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JOHN W. DAVIS has appeared before the United States Supreme Court seven times since he returned from his ambassadorship in London in 1921 and resumed private practice. Almost every one of these cases cuts into an important social issue. To summarize them is to summarize the choice John Davis made when he faced the question of the character of practice which he would enter. The New York *World* has been chalking to his credit cases which he argued, when Solicitor General, in the routine discharge of his duties. These are cases in which he appeared by his own choice. Let voters who doubt *The Nation's* objection to John W. Davis study this list:

1. United Mine Workers *vs.* Coronado Coal Co. (259 U. S. 344). Mr. Davis attempted to recover triple damages from the national union for injury sustained in a local strike, which he claimed was a conspiracy to restrain interstate commerce in non-union coal.
2. Pennsylvania Coal Co. *vs.* Mahon. (260 U. S. 393). Mr. Davis defended the coal company against a Pennsylvania statute to prevent sub-surface mining where life and property would be endangered.
3. New York City *vs.* N. Y. Telephone Co. (261 U. S. 312). Mr. Davis defended the telephone company.
4. Pennsylvania & Ohio *vs.* West Virginia. (262 U. S. 553). Mr. Davis appeared for interests seeking to prevent West Virginia's use of its own natural gas.
5. American Bank *vs.* Federal Reserve Bank. (262 U. S. 643). Farmers Bank *vs.* Federal Reserve Bank. (262 U. S. 649). Mr. Davis defended the Federal Reserve System's effort to curtail the power of the State banks.
6. Window Glass Manufacturers *vs.* United States. (263 U. S. 402). This was a suit under the Sherman law, brought by the United States against the glass manufacturers' and the glassworkers' union. Mr. Davis represented the manufacturers—not, as often reported, the union.
7. United States *vs.* Coffee Exchange. (263 U. S. 611). Mr. Davis appeared for the Coffee Exchange in a suit by the United States under the Sherman law.

MORE THAN ONE OLD-PARTY Congressman has called in recent weeks to renew his friendship with editors of *The Nation* and solicit aid in winning indorsement in his district by the La Follette forces. Such calls are signs of the times. Representative Fiorello LaGuardia, after ample time for meditation upon the exigencies of metropolitan politics, has read himself out of the Republican Party and into the La Follette independent camp, and his election in New York City seems assured. La Follette's magnificently clean-cut statement in opposition to the Klan will not, we believe, hurt him as much as the wary politicians predict. There is a mass of old-fashioned decency in this country which will respond to such frankness. The victory of Jack Walton in the Democratic primary in the Klan-ridden State of Oklahoma is eloquent evidence of the decline of the Klan in the region of its erstwhile glory. Klan-indorsed candidates won in other States, but other issues were dominant. All Oklahoma knew that the Klan had impeached Walton and put him out of office because of his spectacular fight on it, and if he wins the election, as he did the primary, it will mean that Oklahoma is disgusted with the Klan. The political year may end better than the dismal prophets assume.

WHEN THE KAISER insisted that the United States had entered a Gentleman's Agreement in 1897 which virtually made us a part of the Entente, serious historians replied "Stuff and nonsense." The Kaiser was, of course, wrong; but the revelation on August 7 at the Williamstown Institute of a secret "executive understanding" made by President Roosevelt in 1905, just before the close of the Russo-Japanese War, makes one rub one's eyes and wonder. Tyler Dennett, who had been rummaging around among President Roosevelt's "private papers," discovered a strange document, known in diplomatic parlance as an "agreed memorandum." According to the New York *Herald-Tribune*

> The agreement, concluded by a personal representative of Colonel Roosevelt and a Japanese envoy just before the opening of the Portsmouth peace conference, gave Japan a free hand in Far Eastern affairs to the extent of justifying it in extending a protectorate over Korea, and even in assuming charge of Korea's foreign affairs, and in return it extracted from Japan a pledge not to covet the Philippines.

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JOHN VAN ANTWERP MACMURRAY, chief of the division of Far Eastern affairs in the Department of State, recognized the authenticity of this document, but insisted that

> It was in no sense a treaty. It was a wholly personal understanding as to the attitude which President Roosevelt, in the exercise of his executive discretion, was prepared to take under given circumstances, and, important as it was in determining the relationship of this country to Far Eastern questions then at issue, its importance may not be in the fact that it bound our government to anything, but in the fact that the Chief Executive had definitely formulated the policy upon which he might be counted to act.

State Department officials may be interested in such technicalities. The ordinary citizen will realize with horror that President Roosevelt thereby made the United States a partner in the subjugation of Korea and a partisan at a peace conference where it supposedly acted as neutral. Do the "private papers" of our Presidents contain any more records of such secret diplomacy?

THE GERMANS seem to have been the hit of the London Conference. After Americans, French, and British had wrangled for weeks and become rather tired of one another, they sent for the Germans, rather dreading the event. The Germans arrived, and apparently were pleasant to lunch with and tactful in conference. They did not growl back when Ramsay MacDonald sternly greeted them with an announcement of his impending departure on the noon train for Scotland. They liked MacDonald and liked Herriot and liked the Americans, and accepted most of the ingenious technical compromises which had been worked out without them. (A summary of these compromises, borrowed from the valuable *Bulletin* of the Foreign Policy Association, we print in this week's International Relations Section.) Only on one point did they insist: that the French and Belgian troops be withdrawn from the Ruhr. That was one of the points which everyone had been dodging energetically. It was "outside the agenda." Sooner or later, however, it had to be faced, and the German insistence upon it as a necessity of their internal political situation rather helped matters. Herriot wanted to withdraw from the Ruhr, but he too feared his domestic enemies, and the danger of a reactionary outbreak in Germany provided him with ammunition. So the conference ends in excellent good-will. The Dawes Plan is launched in a most auspicious atmosphere.

THE FLURRY OVER THE POLITICAL and diplomatic questions involved in the Russo-British negotiations has obscured the solid achievement of the business men and experts who hammered out the trade agreement which is incorporated in the general treaty. England will be doing more than merely "signing a blank check" even if she ratifies the treaty before the details of the debt and the loan proposals are worked out; she will be putting into operation a complete machinery of commercial intercourse elaborately designed to meet the needs of a capitalist and a communist government engaged in friendly trade. The agreement gives Great Britain most-favored-nation treatment in the matter of tariffs and general trade facilities, and her vessels will have the same privileges as Russian ships in Russian ports. It gives England the same right as Italy to carry on coastwise shipping between certain specified ports in the Black Sea. It gives diplomatic immunity to the persons and offices of the Russian Trade Delegation in England except in their capacity as commercial agents. It guarantees Russia's right to claim as property of the Soviet Government all ships of Russian registry that come into British ports no matter who the present owners may be. It allows for the separate negotiation of treaties or trade agreements by Russia with the British dominions, including the Irish Free State and India.

THIS AGREEMENT MEANS MUCH to England, which, through a dozen different trading corporations, is carrying on a lively commerce with Russia in machinery, lumber, manufactured goods, and flax. It would mean something to the United States but for the sheer insanity that runs through our Russian policy. Already several companies, incorporated under our laws and authorized by the Russian Government for trade in the United States, are carrying on business with American exporters and manufacturers. But, thanks to Mr. Hughes, our ships in Russian ports must pay for wharfage, piloting, and other facilities five or six times the amount paid by Italian or British vessels. The tariff levied on our goods is higher. Our agents and business men have neither ordinary consular services nor the protection of an American passport. All this because Mr. Hughes seems to believe, in the face of considerable evidence, that Russia has *no government*.

YOU CAN COUNT ON ENGLAND to produce from within her own borders as severe critics as will be found among her worst enemies. We commented a few weeks ago on a British judge who dared to commend the butchery at Amritsar. Promptly Mr. George Lansbury stood up in the House of Commons and made the following motion:

> To call attention to the following statement reported as having been made by Mr. Justice McCardie in the King's Bench Division of the High Court of Justice during the trial of the libel action brought by Sir Michael O'Dwyer, late lieutenant-governor of the Punjab, against Sir C. Sankaran Nair, formerly a member of the Executive Council of the Viceroy and Governor General of India, viz.: "Speaking with full deliberation and knowing the whole of the evidence given in this case, I express my view that General Dyer, in the grave and exceptional circumstances, acted rightly, and, in my opinion, he was wrongly punished by the Secretary of State for India"; and to move that an humble Address be presented to His Majesty praying that he will cause the removal from the bench of the High Court of Judicature in England of Mr. Justice McCardie, on the ground that he is unfitted to carry out the judicial duties attaching to his high office.

The motion was, to be sure, not pressed. Prime Minister MacDonald felt that discussion of the subject would only add to the harm already done by the "objectionable" comment, which was, he said, "delivered at the conclusion of a lengthened and somewhat heated trial; and the very form in which it was couched shows that the learned judge was not informed as to what took place."

IN INDIA the decision of an English judge supporting the Amritsar action is reverberating; Japan is raging with the insult of national inferiority thrown in her face

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by the United States; China is resentful over the domineering interference of the Western Powers in dictating when and how she shall turn over Czarist Russian property to the Soviets after her recognition of Soviet Russia. All, according to the Oriental papers, are affronts which white superior peoples feel they can safely deal to an inferior people. "Asia for the Asiatics" is a cry that is gathering in volume. "The cry of Asiatic unity," declares an editorial in *Forward* (Calcutta), "does not emphasize a Monroe Doctrine for Asia; it does not enjoin the law of exclusion. Asia does not want to expel others, she wants to live herself. . . . The Orient has common sentiments, common traditions, and common ideals. The mighty mission of every Asiatic youth is therefore to recover the rights which the Orient ought to have always exercised, to restore the equilibrium between East and West, and to strive for Asiatic independence to the most complete success, as leading to the world peace." Japan in her present humiliation talks of an Asiatic Doctrine with Japan playing the part of Uncle Sam in the Monroe Doctrine. Tagore said recently that her hurt has been the greater because she felt as a result of her immense progress in Western civilization that she had been accepted as Western while the rest of Asia remained Oriental. He added that the rebuff will probably be good for Japan and for the unity of the peoples of Asia.

EVERY COUNTRY, we suppose, has to have its Bernhardis. We have Rear Admiral W. L. Rodgers, retired, late chairman of the executive committee of the general board of the United States Navy. Rear Admiral Rodgers has been stirring Williamstown with his demand that we arm for a war which he, relying on Henry Pratt Fairchild's statistical tables, predicts as coming one hundred years hence—on that day, to be exact, when some still-to-be-born doctor emerges from the delivery room victorious and announces that the population of this country has reached a total of 200,000,000. "If our successors remain a virile people, as the world fills up they will remain armed to take what they want at the expense of others," says the admiral. "If there is any manhood left in the American people" we will—upon reaching the 200,000,000 mark—go to war "in order to keep our place in the world, protect our population, and give it a place to go to at the expense of other nations." It is a little difficult to argue with a gentleman who after retiring from a busy life in the navy mounts a Berkshire hill and looks one hundred years into the future. There is really nothing to do but to cry "Hurrah!" to each of his impressive predictions. After all, if the rest of the war-mongers would confine their efforts to a future a full century distant this generation could plug along in very pleasant peace.

WHETHER JUDGE CAVERLY of Chicago gives the boy murderers of Robert Franks the maximum penalty or not the case marks a new attitude toward crime and criminals. Defense lawyers often assume the attitude: "My client may have committed this crime, but let's see you prove it"! Clarence Darrow, defense lawyer for Loeb and Leopold, said in effect: "My clients did the deed, and we are going to find out the reason—not the reason they think they did it, but the causes in their training and character, of which they themselves are not aware." It is true that only rich prisoners could afford the expensive psychiatrists who made this analysis; but through their wealth these prisoners have demonstrated the kind of justice every prisoner should have. The prosecuting attorney's rage is natural—for a man who takes evident delight in inflicting punishment. Not this case alone is at stake but his profession. When crime becomes a matter for pathologists, when we cease talking in terms of guilt and begin to talk in terms of psychological cause and prevention, lawyers for criminal prosecution—or defense—may no longer be needed.

HENRI DUMAY, publisher of the *Quotidien*, the Paris radical daily newspaper which played so large a part in putting Herriot in office, served his newspaper apprenticeship in America, on the New York *World*, in the days when American newspapers still lived adventurously. And he has just performed on the other side of the ocean a feat of which James Gordon Bennett, who sent Stanley across Africa and the Jeannette toward the Pole, would be envious. Frenchmen were vastly interested in the fate of Miguel Unamuno and of Soriano, the Spanish intellectuals whom the dictatorship exiled to a tropic island. Dumay accordingly chartered a yacht and set sail to free them. He landed on the tiny island of Fuerteventura, succeeded in rescuing the Spaniards, and set sail homeward, with a front-page story as well as the two exiles aboard. As a story his feat lost its "edge" through the fact that while the two exiles were sailing toward Madeira and safety the Spanish Government amnestied them. But as a gallant venture, in the best tradition of the heroic days of journalism, Dumay's act deserves its niche in the hall of newspaper fame.

NO SOONER DO AMERICANS stop taking advertising seriously—those at least who read the *American Mercury* and the cynical paragraphers of the daily papers—than Britishers fall into the dismal habit. The English reviews reported the International Advertising Convention recently held at Wembley with a reverence that was depressing. Mr. St. Loe Strachey's leading editorial in the *Spectator* was respectful enough to herald at least a second Milton. The *Manchester Guardian* issued a resplendent supplement in black and gold in honor of the convention. And the source of all this eloquence, the convention itself? Here is a sample of its deliberations, part of an address on church advertising:

> The willingness of the newspaper editor to cooperate with the churches is shown in the report of the "Back to the Bible Bureau" of Cincinnati, Ohio, for the year 1923. That report shows that 1,500 newspapers are printing Bible texts and verses every day in the year, and more than 90 per cent of these newspapers are carrying these vital messages on their editorial pages. This is an editorial feature carried by the newspapers in preferred positions at their own expense. The director of the bureau, supported by a wealthy churchman of Cincinnati, estimates that more than $3,000,000 of reading-matter space had been contributed by the newspapers to the publication of Bible texts.

Is it unfair to accuse the advertising profession of what a pungent old Socialist used to call "cashing in on Christ"?

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Mr. Davis Accepts

MR. WILSON at his best seldom surpassed the beauty and the occasional eloquence of Mr. Davis's speech of acceptance. It more than bears out the belief of *The Nation* that Mr. Davis's nomination brought to the front a speaker of rare ability and charm. What a relief that is after these years of senseless and meaningless rhetoric from the pens of Harding and Coolidge, words intended to conceal thought or to hide real purposes or to cover up the fatal lack of genuine education and of brains. To find now a candidate who not only respects the King's English but uses it with literary skill must rejoice even those who, like ourselves, prefer another leader. It lifts the whole debate to a higher plane to have a keynote struck like this, to have an opponent who delivers hard blows with perfect chivalry. You can see him saluting with his rapier before he makes his touch. You can see him combining skill with grace and complete courtliness to his adversaries, and yet perceive the iron wrist which guides the stroke. More than that, you can feel the genuine indignation with which he, as an American, resents the insult and indignity put upon his country by those who have dragged our good name in the mire and allowed corruption to reach the very sanctuary of our government. Neither Mr. Coolidge nor his associates, so lukewarm in denunciation of evil, can read Mr. Davis's indictment of them and not feel the heat of his steel. At more than one place he lunges with a power and force not to be countered when he seeks to indict or to convict. If the whole issue were that of honesty in government, without regard to the issues which shape public and private honesty; if it were all a matter of fine personality in the candidate; if there were not profound and far-reaching economic questions involved, we should be willing to grant that the Democrats had a candidate with a compelling appeal to the public.

But there lies the hitch. When we pass beyond John W. Davis, the prosecutor, we strike a minor key. He tells us nothing that is new and has few remedies to suggest. He rightly would have Calvin Coolidge burn with indignation at the wrongdoing of his party associates, but when it comes to the wrongs of great masses of Americans there is no burning indignation on Mr. Davis's side and no advocacy of deep and far-reaching remedies. He does not answer completely the one question which counts today: "Under which king, Bezonian?" What the American people want to know is whether this man really puts property above human rights, whether he stands with the aspirations of the masses or whether he is with those whom privilege and fortune have placed in such advantageous positions as to disadvantage the rest of the citizenship. It is not enough to denounce the Republicans for truckling to privilege and misusing the machinery of government to make the strong stronger and the rich richer. He speaks for a party whose hands are not clean. He says, for instance, brave and welcome words about race prejudice as "alien to the spirit of America," yet his party is held together and rendered dominant in all our Southern States only because of a most un-Christian race prejudice. What if he should speak out against that? Mr. Davis waxes eloquent as to the Constitution: "I would hold in contempt any public official who took with uplifted hand an oath to support the Constitution, making thereby a mental reservation whereby a single word of that great document is excluded from his vow." But, like everybody else, Mr. Davis knows that sacred document to be violated constantly in the disfranchisement of millions of Americans because of the color of their skins. Will he have us understand that if elected he will right that wrong, that he will help cut down the Southern representation in Congress as the Constitution specifies shall be done? If he does, the South will disavow him overnight. Will he, if elected, obey the *spirit* as well as the letter of the prohibition law or will he not?

These are searching and vital questions that transcend beauty of diction and personal rectitude. It is not enough for this man to say that he is one of the progressives who "think of every governmental policy first of all in its bearing upon human rights rather than upon material things." For it was this same John W. Davis who, although he speaks out now against the use of injunctions in labor disputes, remained on the board of directors of the Santa Fe Railroad during the last railroad strike when that road, one of the "bitter-enders," profited by the Daugherty-Wilkerson injunction, the most outrageous ever issued, which would have taken from labor every right that it had won. John W. Davis was silent then. More than that, he was the company's advocate in the famous Coronado Coal Company case before the Supreme Court. Had he won that case he would have smashed the United Mine Workers irretrievably—their human rights would then have come long after the property rights of those whose retainer he took. If he is under a different flag now it must be made known to us in far clearer language than he has yet used.

Take the railroads, too. Mr. Davis has nothing to say about them save to declare that the farmer is entitled to "adequate service of transportation at reasonable rates." Of course. Why not? Everybody will agree to that and to his similar generalization that the railroads should be adequately paid for the service they render. But what does it all mean? How does it help us toward the solution of one of our most deep-seated problems, brought to the front again last week by the greatest of railway mergers? What has the director of the Santa Fe to say upon the great question of railway regulation, upon the responsibilities of railway ownership?

Elsewhere too we have the politician's tendency to the general statement which offends no one and leads nowhere. In the matters of a tariff for revenue only and the League of Nations he is clearest and most specific. No one can read those passages and not know where Mr. Davis stands. He is for our entry into the League. He refuses to believe that the "fatal word never" has been written across our foreign policy as to the League. He is sure that the League will survive. He does not care much about the terms of our adherence or the language in which they are clothed. "Deeds are of more consequence than words." But in order to square himself with the platform of his party he specifies that he does not wish America to join the League "until the common judgment of the American people is ready for the step." Then he utters the extraordinary

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nonsense that "we waited for this judgment to ripen in order that we might enter the war"! The plain people had nothing to do with our entering the war; they had elected a President because "he kept us out of war." And when Mr. Davis declares that his party conducted the war "without scandal or corruption," he presumes too much. It is no defense to say that there have been no convictions as yet. There are certain things which do not have to be proved in a court of law and this is one of them.

Finally we return again to the question of this man's point of view—this man who came back from his ambassadorship and chose the seats and the service of the mighty, who since that time has argued seven cases before the Supreme Court, in every one of which he stood for special interests, even appearing for concerns which sought to prevent the State of West Virginia, *his own State*, from using its own natural gas. He has not a word for the fight against monopoly, which La Follette puts in the forefront of his campaign. There is not one syllable in his entire speech to recall Woodrow Wilson's "New Freedom" with its passionate and moving appeal to the American people to rise against the big-business mastery of the Government of the United States, to take the control out of the hands of Wall Street, in which Mr. Davis by open and honest choice has sought and found his livelihood, under whose flag he enlisted in 1921. Wall Street hated Wilson because of that demand of his for freedom and deliverance. We very much fear that Mr. Davis will not win his way as a pa'adin of the people, nor rank as a real Progressive, until he forsakes generalities and wins not the approval but the bitter hostility of the forces that dominate Wall Street.

Stepping on Haiti

HAITI is too small to stay in the headlines. The juggernaut of American imperialism is rolling on, crushing the life out of the proud Negro republic, and the American people are unaware of the bitter crimes being committed in their name.

We, the American people, conquered Haiti in 1915. There has been no legislature, no legal government in Haiti, since Smedley Butler, now settling the affairs of Philadelphia, appeared pistol in hand before the Haitian Senate (too boldly patriotic to do the conqueror's will) and dissolved it. No elections have been held. A puppet government has held power, ruling in the interest of American economic development, and ruling brutally. One branch of the government remained in Haitian hands—the courts. The Americans or their puppet government might issue decrees muzzling the press and forbidding criticism of the conqueror's acts; the courts almost invariably refused, as patriots should, to hold Haitian editors guilty. Again and again the complaint has been made that the courts were partial, and preferred Haitians to marines. Naturally, what Haitian would not? Now this last bulwark of Haitian freedom is being destroyed. On July 28, by decree, the illegal Council of State abolished the permanent tenure of the magistracy. Henceforth insubordinate judges can, and will, be removed by executive fiat. Doubtless we shall read in navy publicity that the courts were corrupt and the magistrates ignorant; the fact is that the magistrates are being dismissed because they were too patriotic.

Elections should, constitutionally, have been held last January. Without sanction by the marines or the puppet government many Haitians insisted on exercising their constitutional rights and voting. A Senate was elected. This Senate, although never sworn into office by the powers that be, has just met. It was particularly aroused by the action of the American authorities in negotiating, in behalf of Haiti, regarding a frontier dispute of long standing between Haiti and the Dominican Republic. It is reported that traces of oil have been discovered in the disputed territory, which makes the negotiations particularly interesting. Faced with the possible alienation of their land by their conquerors the Senators drew up this protest:

> The Republic of Haiti is still under the military occupation of the United States and the Government which rules there is not the free expression of the people's will. It is the duty of the Senate to protest against the initiative of this Government in undertaking, in the present circumstances, to settle the Haitian-Dominican dispute.
>
> The Senate, in the name of the people from whom it obtains its powers, and under reserve of the authority of the High Court of Justice, declares void and of no effect any act which transfers Haitian territory to a foreign state, company, or individual without the formal consent of the authorized representatives of the nation; and declares that any citizen participating in such an arrangement is a traitor to his country.
>
> (SIGNED) Cauvin, César, Charmant, Honoré, Sandaire, Télémaque, Sylvain, Glémaud, Hudicourt, *Senators*.

Americans applaud such courage and independence when little nations display it against other great nations. Are they blind and dumb when a weak people attempts to preserve its integrity against their own race?

British Humor

FOR many years, with a wistful sort of humility, Americans have been making fun of the British sense of humor. We have been trying to persuade ourselves by cracking jokes about English jokes, that our breed of jokes is the best. But patriotism must faint before the attacks of science, and science has now come along, in the form of Dr. C. W. Kimmins, of the University of London, to tell us the truth about American versus British humor.

Dr. Kimmins is, to be sure, an Englishman, but we must not suspect him of anything so frail and human as a national bias. He has spent a lifetime investigating the causes, symptoms, and variations of humor among the races, nations, sexes, and age strata of mankind, and he has just laid his findings before the British Association for the Advancement of Science, meeting at Toronto. According to Dr. Kimmins humor begins to divide into its higher and lower branches when the child reaches the age of twelve. After that the humor of English children expresses itself largely in the form of witty and smart retorts, while "stories and jokes of gross absurdity are far more common with American children." This is only natural, after all, when we contemplate the nature of adult wit in this still slightly uncouth land of ours:

> The nature of the environment, social outlook, and the advance of civilization must of necessity have a profound effect on the things we laugh at. . . . It stands to reason . . . there must be a great difference between English and American humor. A new country, without professional humorists . . . with a comparative absence of tradition and convention and therefore with every opportunity for great

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freedom of expression, must of necessity have a different type of humor from that of an old country bound by tradition and anxious, above all things, to keep well within social conventions. The rapid growth and extraordinary prosperity of America have produced a fertile soil for the development of a habit of exaggeration and what has been termed "an exuberant form of lying."

But if the subtler forms of humorous expression elude us as a nation, we may still find within ourselves the seeds of civilized growth. For the female, even on this side of the Atlantic, betrays an early appreciation of wit and the humor that lies in words. From the age of seven girls turn to riddles and verbal jokes, while their brothers, following more primitive patterns, still hoot at the misfortunes of others. At the age of eight boys begin to take an interest in words and riddles, "but they are still far behind the girls in this respect."

The feeling of superiority as a fertile source of laughter now makes its appearance in the accounts of the mistakes of younger children. The girls here, as at other ages, associate stupidity with the boys, but there is no reciprocal action.

But the funniest thing in all the world, it appears, to young and old, black and white, male and female—even to Englishmen in their less responsible moments—is the human hat. Funnier than corpulence, funnier than a long nose, funnier than a custard pie, the hat as an appeal to laughter is the world's best bet. A big hat on a little head, a little hat on a big head, a hat rolling along a muddy street, a sat-upon hat, a derby hat, a silk hat—these are things that bind the nations of the world together in one comic brotherhood of grotesque adornment. "A suit of clothes," says the scientist, "rarely provokes laughter; it simply appears as a natural extension or suburb of the body." But the hat is an excrescence, a foreign body, a mistake. And the Englishman wears it just like the rest of us.

Hunting Red Witches

NOT long ago one M. M. Campbell was haled to court in Montreal charged with selling bogus passports for the territory of the Soviet Republic. Campbell, who used to hang people at cut rates, in competition with the official public hangman in Canada, specialized in passports for the Ukraine, which he sold for $5 each, along with visas for $3. Many Ukrainian workers resident in Canada and eager to return to their reconstructed country purchased Campbell's worthless scraps of paper, some of them putting the savings of years into a futile passage for Odessa on a steamship line recommended by Campbell. Finally one of his victims swore out a warrant for Campbell's arrest, and, after various postponements, he will be tried in September.

Campbell's "passports" were provided for him from a passport mill in Washington conducted by an "Extraordinary Diplomatic Mission of the Ukrainian People's Republic," and our United States Department of Labor has been deporting radicals on "passports" issued by the same mythical mission. The "Ukrainian People's Republic," the transitory "Government" organized in the Ukraine in 1918 by Simon Petlura, with some initial aid from the German invaders, vanished from view finally in 1920, after a fugitive career of horrible pogroms and destruction. Since the peasant uprising of that date chased Petlura over the border, he has not exercised sovereignty over so much as a Ukrainian garden-patch, and his ectoplasmic "Government" is not recognized by any Foreign Office. Apparently the Petlura Mission is one of the group of Russian diplomatic ghosts that cluster about the Czarist division of the American State Department.

The Anglo-Russian Trade Agreement of 1921 was specifically adopted by the Canadian Government in July, 1922, and under it none but official agents of the Soviet Government may issue Russian passports and visas in the British Empire. Yet the Canadian Government has never taken any steps to suppress Campbell's unauthorized consular activity. It is now more than four months since an official agency of the Soviet Government, headed by Mr. Alexander Yazikoff, established itself at Montreal. It came on the invitation of the Canadian Government, and was warmly received by representative business men, but not by the Canadian Government. Its baggage and papers were held up at the custom house; its mail was rifled by espionage agents. On March 25 Premier Mackenzie King notified Mr. Yazikoff that the Soviet Government was officially recognized by the Canadian Government, but to this day Mr. Yazikoff's library is still locked up at the custom house. Books and packages addressed to him are still being opened and read, under the supervision of a former Czarist official, in a search for "revolutionary propaganda." Mr. Yazikoff brought with him some 4,500 volumes. A good part of these were Russian technical and scientific works which he hoped to exchange for similar volumes published in Canada and the United States. He had an adequate statistical library for his official use. In addition he carried a miscellaneous assortment of books for his personal reading, ranging from tales by Kipling and Jack London to political treatises by Lenin and other Russian leaders and reports of proceedings of Russian congresses. Among some of these volumes for his personal use the purists of the custom house professed to scent propaganda. A number of the volumes are freely on sale in translation in Canadian bookshops. Mr. Yazikoff's volumes are, of course, in Russian, but these considerations had no weight with the fearful customs authorities. Their brave North American attitude is that if Mr. Yazikoff is permitted to place on his shelves Russian copies of Lenin's "Soviets at Work" or Trotzky's story of the revolution, revolutionary uprisings may take place.

Mr. Yazikoff can wait. He went to Canada to look into the possibilities of purchasing agricultural machinery and draft animals, and he knows that Soviet trade missions in London, Rome, and other places have had to go through similar periods of espionage before they could get down to the business of organizing trade. But can Canada and the United States wait? How long are we to continue hunting red witches and paying respect to diplomatic ghosts? Here is Mr. Campbell in Canada and the unfrocked priest who conducts the "Ukrainian Mission" in Washington; and in the Berkshire Hills at Williamstown college professors and army officers and "publicists" are solemnly listening to lectures on Russia by that discredited propagandist, Boris Bakhmeteff, ambassador to the United States of a government that died eight years ago. Eight years ago! The Soviet Government has survived eight years, and the United States, through Charles E. Hughes, still declines to recognize its existence, and we and Canada still take our information from such as Boris Bakhmeteff and M. M. Campbell.

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Joseph Conrad

By H. L. MENCKEN

THE effort to put Conrad with the romancers, now visible among the newspaper anatomists pawing his corpse, only shows how little meaning remains in the old categories of romancers and realists. The obvious fact is, of course, that the man was a realist of the realists, for all his fondness for violent passions and outlandish scenes. "Under Western Eyes" and "The Secret Agent" are actually more realistic, in every rational sense, than anything Zola ever wrote; as for "Falk" and "Typhoon," they are so realistic that reading them is intolerable to tender minds. "To make you hear, to make you feel—before all, to make you *see*": that was, first and last, the aim of their author, and he proceeded to the business, not with arms waving and gonfalons flying, but with sharp eyes and a steady hand. Read the death of Nana, so scandalous a generation ago, and then turn to the death of the helmsman in "Heart of Darkness": Which is the more vivid, the more real? Where, in all Arnold Bennett, is there a place you remember with more glaring clarity than you remember the bridge of the Nan-Shan, whirling up the China coast? The old romance, with its stiff etiquette and its tinsel sentimentalities, is dead, and Conrad gave it its death-blow. He put logic into the inordinate and order into the incomprehensible. If a new Scott arose, he would give hard study to "The Rover" and "The Point of Honor"—or he would be laughed at.

Conrad's realism, indeed, went far beyond meticulous representation; it struck for the inner reality of things as well. The world as he found it had got rid of many of its old certainties, but it had taken on some new ones that were almost worse. As the ethics of Tupper had gone out the politics of H. G. Wells had come in. Men no longer believed in an anthropomorphic Deity, half amiable grandpa and half prohibition-enforcement officer, but they still believed that they knew the purpose of human life, the destiny of man—they were still full of a new and pseudo-scientific cocksureness, as idiotic at bottom as the worst dogmatism of a Calvin or a Swedenborg. It was against this dogmatism that Conrad launched himself, and against whatever was left of the older brand. Upon it he played the hose of his irony. Against it he patiently arrayed his devastating facts. His execution was excellent. Certainties dissolved into doubts, and then into absurdities. A whole theory of knowledge went to pieces, and with it a whole canon of ethics. There emerged at last his own aloof skepticism—not complacent and attitudinizing, like Anatole France's, nor bitter and despairing, like Thomas Hardy's or Mark Twain's, but rather the serene skepticism of the scientist, with no room in it for any emotion more violent than curiosity.

Conrad was forever setting himself problems, and forever coming to conclusions that left them unsolved. His method is clearest in such stories as "Lord Jim," "The Point of Honor," and "Victory"—all of them studies of human motive, and all of them ending with question marks. "He passes away under a cloud, inscrutable at heart, forgotten, unforgiven, and excessively romantic." The complete antithesis, obviously, of the conventional last chapter—the novelist wholly purged of his old omniscience. But none the less illuminating for all that. For if Conrad never answered the riddle, then he at least stated it superbly; he at least took off all its wrappings of false assumption, and revealed its inner essence. "Youth," in the ordinary sense, gets nowhere. The protagonist is a youth who does not act logically, but only instinctively. What he does would surely shock a school-teacher. But he comes out of his fantastic adventures in the end as the most real boy, perhaps, in all fiction, save only Huckleberry Finn. It is, indeed, an almost faultless piece of representation, for in it the author performs the difficult feat of getting rid of himself entirely.

As I have said, this aloofness was not in accord with the spirit of the time. The fashion that came in with the new century was for far greater assurance, even for cockiness. The methods of the laboratory began to invade the ivory tower of the novelists; if they abandoned the old scheme of rewards and punishments, it was only to adopt the new psychology, with the Freudian rumble-bumble as its final flower. Conrad stood clearly outside all this, and the fact, perhaps, is sufficient to explain his slow acceptance. Even today, though he sells, I doubt that he is genuinely read, in the sense that Wells and Bennett used to be read. He remains, for the most part, a sort of affectation, like James and Proust. Some of his books, because they happen to tell thumping good stories, have a certain mild vogue; the rest, including the best, are seldom heard of.

Efforts are often made to put the blame for all this upon what is alleged to be his difficult style. It is argued that his English, acquired relatively late in life, is stiff and obscure—that its English leaves often grow on a Polish stem. The doctrine seems to me to be nonsense. His style is not only not obscure; it is extraordinarily vigorous and clear. There is never the slightest doubt about his meaning, and more often than not he expresses that meaning in phrases that are full of melody and color. What ails the readers who find him difficult is simply that they are looking for something he hasn't got to offer, to wit, certainly, the professorial manner, the easy smugness of a Howells or a Bennett. The thing before him is not a demonstration but a problem. He is trying to throw light upon it from all sides, to get at the mystery that is in it. It interests him enormously, but it also puzzles him. He does not dogmatize about it; he speculates. The whole proceeding is as disconcerting in a novelist, to the ordinary novel reader, as it would be in a surgeon or a politician.

But even speculation could be borne if it ended in discovery—if the final chord was the comforting tonic of C major. But it never is. The reader, having gone to the book to learn something, is dashed at the end by being asked something. More, there is a dismaying tone in the question, as if no answer were really expected. Such violations of the code do not make for popularity in novelists. Conrad will be read by multitudes, perhaps, when all the folk-philosophies are abandoned and skepticism comes in. But that, I fear, will be a long, long while ahead—perhaps long after English is handed over to paleogrammarians.

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La Follette in Washington

By ARTHUR WARNER

WHEN La Follette was sworn in as a United States Senator on January 4, 1906—after the congressional session had begun—he found himself in a different Washington from that which he had left fifteen years before. The country had experienced a vast commercial growth. Great new industrial corporations and trusts had come into being, and business more than ever was pulling the strings of government. Senator Sawyer was gone, and the other old-time, individualistic, self-made "roughnecks" were giving away to smoother, more sophisticated, less open manipulators of public affairs in the interest of bigger business.

So, also, the attitude toward La Follette himself had changed. Washington no longer smiled patronizingly upon him as an over-idealistic young man whose ardor for honesty and the people's rights would presently cool, but it was not alarmed at the prospect of anything which he could do there. His assignment to committees must have reminded him of his earlier experience in the House. He expressed only one preference: a place on the Committee on Interstate Commerce. Naturally he did not get it, but as compensation he was made chairman of the Committee to Investigate the Condition of the Potomac River Front, which in all its history had never had a bill referred to it—and had never met.

One of his early speeches was on the Hepburn bill, which La Follette regarded as a futile and dishonest attempt to make the public think that something was being done toward regulating railroad rates. He had talked scarcely ten minutes before he discovered that his Republican colleagues had all walked out on him, excepting only the presiding officer and Senator Kean of New Jersey, the latter having been left on guard. La Follette, realizing the intended rebuke, interrupted his prepared speech to interpolate:

> Mr. President, I pause in my remarks to say this: I cannot be wholly indifferent to the fact that Senators by their absence at this time indicate their want of interest in what I may have to say upon this subject. The public is interested. Unless this important subject is rightly settled, seats now temporarily vacant may be permanently vacated by those who have the right to occupy them at this time.

There was a round of applause from the well-filled galleries, and presently the absent Senators began returning to their seats.

La Follette had little sympathy or support in the Senate until the administration of Mr. Taft. Then the supineness and retrogression of the President caused the gradual emergence of a group of insurgent Republicans who naturally fell in step with La Follette. Failure to revise the tariff downward was the chief cause of the revolt. La Follette, to be sure, had always proclaimed himself a believer in a protective tariff, defining this as a duty on an article sufficient to offset the amount by which its labor cost in the United States exceeded that abroad. He failed to see any true application of such a principle in the Payne-Aldrich bill, besides which it manifestly was not the "downward revision" promised to the country by Taft. A decade later La Follette assailed with equal vehemence the Fordney-McCumber tariff of the Harding administration.

The Democratic landslide in the election of 1912, combined with the speedy disruption of Roosevelt's Progressive Party, left La Follette much alone again when the Wilson administration came in. This loneliness increased with the outbreak of the World War, especially with the entrance of the United States into the holocaust. Early in 1915 La Follette placed himself on the side of peace by introducing a resolution to call a conference of the neutral nations with a view to ending the carnage. The year after he stoutly opposed our huge naval appropriations. Also he demanded democratic control of our foreign policies by Congress in place of what he regarded as their autocratic and dangerous handling by the President alone. He opposed the arming of our merchant ships as likely to draw us into the war without authority from Congress. He refused to support our declaration of war against Germany, and took an equally uncompromising stand against the draft law; he proposed that the question of sending the drafted army to Europe be submitted to a popular referendum. The espionage act received his unqualified condemnation.

La Follette voted in favor of appropriations for equipping and caring for the army, on the ground that our soldiers, once in, should be protected and assisted in every

La Follette Was For—

The woman suffrage amendment to the Constitution.
The prohibition amendment to the Constitution.
The child-labor amendment to the Constitution.
Establishment of the Parcel Post.
Extension of the Postal Savings System.
Establishment of better conditions for seamen.
Eight-hour day for government employees.
Establishment of the Tariff Commission.
Establishment of the Federal Trade Commission.
Establishment of the Department of Labor.
Publicity for campaign expenses.
Howell-Barkley bill for abolishing the Railroad Labor Board.

La Follette Was Against—

Payne-Aldrich tariff in Taft's administration.
Fordney-McCumber tariff in Harding's administration.
Establishment of the Federal Reserve System.
Establishment of the Court of Commerce.
Esch-Cummins railroad law.
Ship-subsidy bill in Harding's administration.
Volstead act.
Declaration of war against Germany.
Conscription.
Espionage act.
Treaty of Versailles.
Four-Power Treaty.

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possible way. He believed, though, that money for war purposes should be raised by taxation rather than bond issues. "It is impossible to issue bonds without inflating the currency, depreciating the value of the dollar, and increasing prices," he wrote in *La Follette's Magazine* in September, 1917, thus clearly forecasting the precise difficulties with which the nation was later confronted. La Follette was bitterly assailed by the press for a speech touching on the war which he made in St. Paul on September 20, 1917. The Senate was asked to expel him, but after hearing the evidence it held him to have been within his rights.

After the armistice La Follette raised his voice strongly in favor of amnesty for political prisoners. He fought the ratification of the Treaty of Versailles, calling the League of Nations "a sham and a fraud." He hotly denounced our "unconstitutional" war upon Russia, directed by the President without declaration of hostilities or authorization of Congress. As an epitome of the whole ghastly world tragedy he declared in 1920: "I challenge any man to name one new privilege, one added right which the common people of this or any of the Allied countries are to gain as the result of the war."

Just as La Follette has stood unflinchingly against militarism, he has set himself against the collateral policy of financial imperialism which in the last decade our national government—at the behest of business and the bankers—has been pressing upon the Latin American republics to the South. In a speech in the Senate in July, 1916, he said:

> I believe every dollar that goes into a foreign country, and every man who goes into a foreign country with his money looking for profits, should accept the laws of the country as the arbiter to which he will appeal for justice if he feels at any time that he is required to protect his rights in that country. . . . Now, if this new doctrine that the flag shall follow the investment of the citizen is to prevail, then our government is to be called upon to guarantee the speculative investments of its citizens in the countries where the governments are weak, and so to make those speculative investments worth face value.

Brought up in an agricultural community, La Follette has always been alive to the needs of the farmer. But he has been no less sympathetic toward the welfare of the city worker, and is a proved friend of organized labor. The seamen's law is his most important individual achievement in labor legislation, but he has also been instrumental in obtaining an improved employers'-liability law, a measure limiting the hours of railroad workers, and an eight-hour day for government employees. La Follette took the side of the coal miners in 1919 when Attorney General Palmer was trying to put them in jail. He came out against the Esch-Cummins bill in the Harding regime, both because he objected to establishing a fixed financial return for the railroads and because he disapproved of the functions of the Railroad Labor Board. In the session of Congress just ended he supported the reforms proposed by the Howell-Barkley bill.

La Follette's career in Washington is his career in the Senate; his six years in the House were only a curtain-raiser. He is now in his fourth successive term in the Senate, having been there almost a score of years. A survey of his record during that period leaves the conviction that no other man prominent in national life in this century and in this country has for so long a time devoted himself so courageously, unswervingly, and intelligently to the public welfare.

(This is the second of three articles on La Follette's political record. It was preceded by an article last week on La Follette in Wisconsin, and it will be followed next week by an article on La Follette in America.)

New Mexican Melodrama

By HELEN BLACK

AFTER an intermission of one year the curtain rose, July 22, on what is probably to be the last act of that thrilling melodrama of the great Southwest in which Carl C. Magee has for five years been the principal actor. There may be an epilogue; there is a remote possibility of a further act. But by all the rules of dramaturgy, the plot has thickened to a masterly climax and its resolution is now in process.

The piece might be called "Smashing the Gang," and in the beginning it had all the elements of tragedy. When Magee, entering the newspaper-field as an Albuquerque editor, began to launch blows at the Republican machine so firmly intrenched throughout the State of New Mexico, he was fighting alone against heavy odds. He was a stranger in the State and had very few friends. He was attacked mercilessly. There were attempts on his life. He was faced with financial ruin, embarrassed with lawsuits. For years his fate was uncertain.

But for one coming on the scene now it is hard to take the performance so seriously. The happy ending seems inevitable. Magee is beginning to triumph. His friends are gaining power. In the governor's chair is a Democrat whom he helped to elect a year ago when he ceased fighting from within and left the ranks of the Republicans. Democrats are filling many important offices, and Magee's ardent followers are counted by thousands throughout the State. The fight is still on, but it is a battle of wits between the retreating enemy and the hero-editor with a constantly increasing group of backers.

Yet the play is exciting although the outcome seems sure; there is always the chance that the unexpected might happen. The flavor of old Spanish frontier days still lingers here, and even legal procedure in the State of New Mexico is eventful.

The scene on July 22 was laid in the courtroom at Las Vegas, San Miguel County—still a stronghold of the Old Guard—where a year ago Magee was convicted of libel and contempt in a trial that was characterized by the Governor as "more of a persecution than a prosecution." The same judge presided, David J. Leahy, in appearance the typical police judge, admirably suited to the role of villain in the show. The atmosphere was tense; there were many friends present, but there were also foes. Some of Magee's adherents had asked the Governor for a special guard at this trial, and somehow one felt it might have been advisable.

The sheriff was a handsome Spaniard, quite the dash-

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ing representative of the law made famous in fiction. The lawyer for the prosecution came decked in a ten-gallon black sombrero, with all the hatred of his clients for Magee concentrated in his dark face. And the editor, tall, good-looking, smiling, unconcerned, slouched in his chair, seeming to dare the opposition to do its worst.

The theatrical touches were many in the proceedings. Magee was on trial for contempt. In an editorial concerning last year's trial for libel, he had said that Judge Leahy was directly controlled by the political boss of the county. In another editorial he had said that the court was "a slaughter-house for the blind goddess of justice." He was facing trial for these remarks, and the judge ruled that truth of the statements might not be made a defense. What was there left to say? Last year Magee's two attorneys were suspended in this court while pleading his cause. This time they decided that no response should be made by attorneys or defendant.

But when he was asked whether he had anything to say before sentence was pronounced, Magee could not resist. "Only that I deny I am being given due process of law, and I deny that this is a court."

"Guilty of direct contempt of court," was Judge Leahy's retort, and then he, too, decided to speak his mind. For nearly an hour he denounced Magee and anyone who had ever befriended him. He was a "political harlot," "an infamous criminal," "a low-down lying crook," "a mangy yellow cur," "an assassin," "a skunk," "worse than a horse thief."

Magee was sentenced to jail for three months for direct contempt of court and three months each on the other two counts, sentence to begin immediately.

So between two sheriffs, Magee was led out of the courtroom. Following him came a crowd of his friends, those who had met him with a band when he arrived the night before, and they gathered in an angry threatening mob. There was talk of storming the jail; but Magee's lawyer begged them to be calm. Any violence would do more harm than good to the prisoner. He was safe in the jail, even though the judge had refused his plea for a special guard. Two of his friends were to stand outside all night within range of his voice if he called for help. He would eat no food in the jail but receive his meals from the homes of his good friends outside. And tomorrow he would be out surely. So the crowd scattered in groups through the town, talking, watching, and waiting.

Meanwhile the news had been telephoned to the Governor at Santa Fe, and from his office it spread like wildfire through the corridors of the Capitol. Clerks and officials on their way to lunch greeted each other excitedly. "Have you heard? Magee's in jail!"

In the Senate chamber the railroad brotherhoods of the State were gathered to discuss the presidential campaign, but all other business was forgotten when this news arrived. A delegate moved: "That the Governor be urged in the name of organized labor of the State of New Mexico to pardon Carl Magee unconditionally with the aid of the militia, if necessary, Mr. Chairman." There was loud applause.

But Governor Hinkle needed no urging; the pardons were already signed, and the adjutant general was soon on his way with them to the jail seventy miles distant. And as though to omit no touch of romance, the messenger was overtaken by a storm. Heavy rains made the roads nearly impassable. Word reached Las Vegas that a bridge had been washed out and the adjutant general was marooned by the wayside. A delegation set out to his rescue, but returned without finding him; and then just at the moment of deepest gloom he dashed into town in his high-powered car. There was an immediate move to the jail and preparations for a noisy welcome at the prisoner's release. But something was wrong with the pardons; there was none covering the direct contempt charge. Magee must spend the night in a cell.

About midnight he was roused by his jailer with word that a posse had come to rescue him; but the twenty automobiles proved to be only a crowd of soldiers returning from a party. The prisoner returned to a peaceful sleep and his guard of friends kept watch outside.

Next day came a writ of habeas corpus from the Supreme Court of the State ordering that Magee be brought before them for a hearing on July 24. So the following morning he was taken to Santa Fe; technically "taken," but actually driving his two guards over the mountain roads at a pace that drew a protest even from those courageous gentlemen of the law.

"Seventy miles in two hours and a half. Not so bad," said the prisoner as he stepped out at the capital.

Before the Supreme Court that afternoon there appeared again the handsome sheriff, the lawyer with the ten-gallon hat, the prisoner lounging sleepily in his chair. But this was in Santa Fe, and the courtroom seemed crowded only with friends. They swarmed up to greet Magee when, after a three-hour hearing, he was released on bail pending a decision as to whether the Governor's pardons were legal. This opinion has not yet been rendered.

Magee, however, is back on the job writing editorials. He wrote them even in prison and slipped them out by friendly callers. He is speaking his mind, frankly as usual, and caution is not one of his characteristics. He has not yet learned to choose his words with one eye on the libel court, despite his experience.

"The old machine is ready for the scrap-heap. . . . The people must finish up the job now by cleaning up the courts. This politico-judicial-financial tyranny must be smashed at once and forever in this State."

The curtain is falling. How one wishes it were not all a play; and that tyrannies so valiantly crushed to earth might never rise again.

Contributors to This Issue

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These United States—XLVIII*

NEW HAMPSHIRE: Not Yet Abandoned

By RALPH D. PAINE

THE literary tradition of a rural New England consisting of abandoned farms, queer, flat-chested spinsters, and faded wives who go insane because of solitude and Puritan complexes has found its focus, to a large extent, in rock-ribbed New Hampshire. Contending with a hard climate has made us a patient folk, unemotionally enduring the buffets of fortune, but we grow a little weary of a certain condescension among outsiders. It is quite the fashion to ask what's the matter with New Hampshire and then start another survey or investigation.

During the brief summer thousands of motor tourists stream over our highways to visit the White Mountains. They come from regions as remote as the Pacific coast. It is a flamboyant invasion that scatters millions of dollars among hotels, camps, tea houses, garages, and small-town merchants. New Hampshire piously thanks God for this bountiful source of revenue, but reserves comment. Of this multitude of transients some are decent people who deserve to be at large. They have manners and intelligence. Many others, however, offend the landscape which they have not eyes to see while they step on the gas in order to arrive somewhere else for no particular purpose. And as they go tearing through noble gorges and verdant valleys or past lakes whose ripples brightly beckon they glance with pity at the natives of New Hampshire.

In their opinion we are the ultimate hicks. Poor stupid clods who have never learned to put pep into life and jazz it up! Slaves to a plain white farmhouse on a windy hill, and a hundred acres of tillage, woodland, and meadow, with a thousand a year cash income as the measure of material comfort. Always struggling to pay off the mortgage on the old homestead, so it is alleged, speaking a curious Yankee dialect, counting a journey as far away as Boston as the event of a lifetime.

Do we envy these birds of passage? Well, not enough to say so. Your New Hampshire farmer is not easily fooled by the buncombe and bluff which the city dweller accepts as a doctrine of existence. He is not sufficiently up to date to live beyond his income and be satisfied with keeping one jump ahead of his creditors. As one result, the tenant farming which has blighted the Middle West is a negligible factor. Ninety-three per cent of our farmers own their land. Only 37 per cent of the farms are mortgaged, the literary tradition notwithstanding.

The rural population is steadily decreasing, no doubt of that—12 per cent since 1900, or 22,000 fewer sturdy men, women, and children on the soil of their ancestors, but the total valuation of the farming lands of the State has increased considerably during this time. The picture has its melancholy aspects, but it is not so dark as the sentimental fictionist delights to paint it. It was sagacious to abandon a great many of these farms. They belonged to the pioneering era of American history. Changing economic conditions have made it impossible to wrest a livelihood from them. They are too small, isolated, and sterile. It is better to let them grow up in timber for the benefit of posterity. The pathetic cellar hole by the roadside or the weather-beaten set of buildings given over to decay are often mute memorials of an obsolete social fabric, like the sod house of the prairie or the log hut of the Kentucky frontier. They may invoke the tribute of a sigh, but their day is done excepting as they attract the pilgrim in search of a summer home.

But wherever in New Hampshire there is mellow soil and convenient access to markets you will still find modest prosperity and contentment. Few good farms are being abandoned. The older generation is able to make both ends meet and a little more. New Hampshire was almost untouched by the adverse conditions which have put the Western farmer flat on his back in recent years. Never affluent and with little to lose, it steers a course that avoids the rocks and manages to pinch through. The State University is sending its agricultural experts into every rural nook and corner to teach better methods of farming. Other agencies are working in the same direction. New Hampshire will not surrender without a stiff battle. It does not have to be told that its one asset beyond price is the people of its farms and villages and the things they stand for.

The drift to the industrial cities is slowly devitalizing the old stock with its rugged virtues of industry, thrift, stubborn independence, and respect for law. This is the profound tragedy of it. If the salt have lost his savor, wherewith shall it be salted? Certainly not in the polyglot mill communities of Manchester, Berlin, or Dover. These are in no wise typical of New Hampshire. Their rotary clubs or chambers of commerce shout the get-together, booster jargon of Seattle or Dallas. Their politicians are as fat-witted, selfish, and inefficient as elsewhere. Their backgrounds of dignity and tradition have been obliterated by the rising tide of French Canadians, Irish, Greeks, and Slavs. Massachusetts is ever so much worse off. Vermont has almost escaped the curse. Maine has preserved much of its native integrity because it is still a vast wilderness province.

New Hampshire is a small State of 450,000 people who reflect, to an intimate degree, the prevailing currents of an American life which had its rise in the very beginnings of the nation. Past and present rub elbows. Industrialism is a canker and the summer tourist has been both a bane and a blessing. The countryside has been infected with shabby ideals, a vulgar code of behavior, and a slangy, slipshod dialect from New York and Chicago that is spoiling the English speech, pure and undefiled, which New Hampshire received as a heritage from its forebears. The younger generation imitates these invaders and refuses to be buried alive on a farm. It prefers the bondage of a white-collar job with small hope of advancement. For an eloquent comment, the average age of the owner of a New Hampshire farm is fifty-three years. One-fifth of them are sixty-five or over. They have grown old behind the plow. And yet it heartens one to find a certain number of educated, upstanding young men returning to the acres that

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their childhood knew. With their practical knowledge and wider point of view they are the hope of rural New Hampshire. One of them, a neighbor of mine, started a poultry farm and cleared $10,000 in the third year of operation.

There is an automobile in almost every country dooryard and few of them are bought on the instalment plan. The next time you are driving through New Hampshire, please note how trim, well-painted, and comfortable most of these farmhouses are. Grinding poverty is not reflected from such homes as these. Miracles of economy are performed. It is in the blood. There has never been enough money to go round. But what percentage of city folks are as well off at the end of the year?

More than half the population is still rural, living on farms or in the villages whose characteristics have survived the changes of the modern scene. This is the real New Hampshire, when you sift it from the urban rubbish. Nowhere can it be observed to such advantage as in the State legislature, which meets every two years. This assemblage has made New Hampshire famous, like Mount Washington and Lake Winnepesaukee. We have long boasted of it as the largest legislative body in the world, with 419 members in the lower house. It supplied Winston Churchill with excellent material for novels written after the fact. Gone is the epoch, however, when the Boston and Maine Railroad was said to purchase New Hampshire patriots in carload lots and a Jethro Bass could deliver the goods in the room of the Pelican Hotel, renowned for its red plush furniture. The legislature has become honest and unromantic. There are no more leaders, good or bad. Politically New Hampshire is as unproductive as an abandoned farm. It once sired a Daniel Webster. Now it sends a George H. Moses to the United States Senate.

A novelist would find poor pickings under the State House dome at Concord. The lobbyist is branded as a suspicious character who has to watch his step. Several years ago the writer served a term as a member of the Appropriations Committee. The chairman was the last of the old guard which had carried New Hampshire in its breeches pockets. A patriarchal person, white-bearded, soft-spoken, he maintained the ancient rites, a secluded room in the Eagle Hotel, whispered conferences, confidential bargains.

But a progressive Speaker of the House, young and unterrified, defied this "Uncle Jim," mocked his dynasty, and figuratively stood him upon his ancient head. He was outvoted in the very committee which he had hand-picked and dominated for a generation. The State finances were snatched from under his thumb. He became no more than a ghostly reminder of a time when New Hampshire politics had been intensely practical. He was no better and no worse than the other leaders of his day. A zealous watchdog of the treasury, he opposed every modern scheme of welfare for the common good.

Shorn of the glamor of that picaresque era, the New Hampshire Legislature is a social club for the plain people, a biennial party for getting acquainted in a leisurely manner. In this respect it is worth all its costs. Numerous bills are passed, most of which are superfluous and inconsequential. They are never extravagant. The rural members see to that. Every dollar appropriated is squeezed until its shrieks echo along the Merrimac Valley. The pleasant familiarity of a session whose weeks stretch into months is seldom disturbed by a Governor with brains or gumption enough to make himself seriously annoying. If an able man happens to hold the chair, it is the exception to prove the rule. The average type is a rather elderly banker or lawyer who desires the honor for the sake of his progeny and is willing to foot the bills. The salary of $2,500 is not apt to attract younger men of parts who have to make their way in the world.

The Senate, of twenty-four members, is cut more or less from the same cloth for the reason that its electoral districts are divided according to taxable wealth, and not population. This makes the worthy senators view with alarm any departure from things as they are. Their chief pastime is killing what may be called popular legislation as passed by the lower house. Membership in a State senate of this description means boredom to tears unless one happens to be built that way.

The teeming House of Representatives is the place to study and enjoy mankind. As a body it mills about with a vast deal of waste motion because of its unwieldy size. It grinds a small amount of grist for the number of hands employed. Every attempt to decrease its numbers by the enactment of a constitutional amendment has been pugnaciously defeated. The men from the farms and villages refuse to be robbed of the prize of going to the legislature. It is an honor which custom decrees should pass in rotation from one substantial citizen to another. As a rule it shows a greedy spirit to expect more than one term at Concord. The emoluments consist of $200 for a term of perhaps three months and railroad transportation. It is to the credit of some of these incredibly thrifty legislators that they save a few dollars of this impressive salary after paying their living expenses in Concord. A population of 600 entitles a village to send a representative regularly. A village of three hundred people rates a member every other session, or one-half member per session, to work it out arithmetically. Above the 600 mark the community acquires another representative for every increase of 1,200 souls. As a consequence, Manchester sends 68 representatives, Nashua 23, and Concord 18. This is absurd. It might be inferred that the few cities, with such topheavy delegations, could control legislation for their own ends. It doesn't work out that way.

The Manchester contingent, composed largely of French Canadians and Irish ward politicians, is usually rent by internal dissension and too ignorant to achieve results. The balance of power is held by the canny men from the rural districts. The brains and common sense of New Hampshire still come from close to the soil or from the simple environment of the small town. A refreshing, interesting lot of men they are. In a benighted age of standardization they have maintained an individualism which refuses to be card-indexed. They cannot be led unless they know precisely where they are going. Many of them were isolated from neighbors until the "flivver" banished the barriers of poor roads, intervening hills and mountains, and sparsely settled regions. They have had unhurried rainy days in the barn or long winter evenings by the fireside to think and talk. They are self-taught in the best sense of the word.

The wives and daughters, no longer shut in and deprived of stimulating contacts, are more energetic and ambitious than the menfolk. Nowhere will you find groups of women more genuinely cultivated and alive to modern trends and values than among the clubs of the little New Hampshire towns. They do not belong on Sinclair Lewis's Main

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Street nor are their husbands Babbitts. It was Waldo Frank whose lively fancy depicted the wretched New Hampshire housewife as gazing from her kitchen window only to pick out a tree from which to hang herself. This was not meant to be humorous. It was in line with the accepted legend.

And so our farmer comes to Concord with a pretty keen desire to make himself useful, realizing that his women will prod him on and scrutinize his legislative record with great care. He is mostly interested in keeping taxes down and diverting the available funds toward good roads and better schools. It is appealing, in a way, to find how heavily this question of taxation weighs upon him. In the districts where rural depopulation is going on the burden falls more heavily each year upon those who are left behind. And the chief fiscal problem of the household is gathering together enough cash to pay the tax bill.

However, when a new educational law was passed in 1918 whose purpose was to reorganize the public-school system of New Hampshire and raise it to a par with far richer States, these legislators from the farms and hamlets supported it earnestly. They were willing to pay the price as soon as they felt they would receive their money's worth. It signified that they hoped, more than anything else, to make their children contented at home and to give them some of the advantages of the city-bred youngster. For once rural New Hampshire was pulling together.

The writer was appointed a member of the State Board of Education, which had the task of putting this new system in operation. He made a speech at a meeting of the State Grange to an audience of a thousand farmers and their wives. Flattering himself that he had put the argument across, he sat down with that specious glow of satisfaction that sometimes rewards the amateur spellbinder. Later a competent-looking woman with a piercing eye cornered him in the hallway and spoke as follows: "I have had to attend a lot of meetings this year, Mr. Paine, as president of our woman's club. And it does seem as if 'most everywhere I go I have to listen to you make a speech. Of course that can't be helped. But I must say I do get sick and tired of hearing you say this new Board of Education serves without any salary. Now, you know as well as I do that if you were wuth anything the State would pay you for it."

There you have the genuine New Hampshire flavor. This admirably candid woman wasted no breath in weasel words but went straight to the point. Alas, she was quick to suspect the other person's motives and wonder what there was in it for him. This is a flaw in a catalogue of splendid native qualities. It has thwarted most of the efforts to bring about cooperation in government, in improving the conditions of agriculture, in reducing the cost of living. It is found in rural communities elsewhere, but New Hampshire has been a soil peculiarly congenial.

Some of these legislators come from the North Country, beyond the White Mountains, where little towns exist twenty to forty miles from a railroad with great stretches of forest between them. This is a stalwart, clannish breed, with force of character above the average. The north countrymen have always been conspicuous in New Hampshire affairs. One may fitly call them the Highlanders of this old New England commonwealth.

Others come from the southeastern border, where the sea pounds the reefs and forelands of a granite coast. They recall the stately mansions of Portsmouth, built by shipping merchants and captains whose topsails gleamed in ports exotic and far distant, or Paul Jones and the Ranger fitting out for a famous cruise in the English Channel. New Hampshire wrote its pages in the briny chronicle of Yankee ships and sailors that won maritime supremacy for this nation in its infancy. Now Portsmouth is awakened from its drowsy peace by the crews of the gray war-ships at the Navy Yard and the wealthy cottagers of Rye Beach, whose motors fill the old square in July and August.

To Concord also come the men from the western counties of the Connecticut Valley, whose farms are fertile and never abandoned unless for a goodly sum per acre. They ask no sympathy and are doing very well, thank you. The White Mountains sends its hotel-keepers and merchants to the legislature, dapper, worldly persons who have learned how to capitalize scenery for all the traffic will bear.

Most worth while are the farmers from the hills, slow-spoken, round-shouldered, who strive tenaciously to keep their places going with a few cows, a gnarled orchard, some hay to sell, an acre or two of potatoes. Their social center at home is often the little red schoolhouse. They look askance at new-fangled ideas. They are cast in the mold of their ancestors, who marched from Nottingham Square and Durham to the battle of Bunker Hill.

These are the folks for whom a term in the legislature is a memorable experience. It is inaccurate to call them taciturn. They are not given to incessant chatter, but they love to sit and talk. And it is good talk, shrewd, seasoned, meaty. The outside world has accepted Calvin Coolidge as the typical Vermonter, compared with whom a clam is fairly garrulous. The New Hampshire folks are not like that, the Lord be praised. There is blood in their veins and not ice-water. And in other respects they are quite human and likable. Their so-called reserve is merely a habit of having something to say before they say it.

New Hampshire is very much in transition between the old and new, somewhat fettered to the past, but by no means blind to the future. Its textile mills, which are the sinews of its industrial life, are seriously menaced by Southern competition. It is not impossible that the cities may be sapped of their strength by an economic revolution of this kind, and the conditions of former days more or less restored. This would mean various industries fostered among the smaller towns, employing native labor amid wholesome surroundings. The undeveloped or abandoned water-power of a hundred little rivers is waiting to be utilized. Meanwhile tired business men buy New Hampshire farms and the campers flock to every wooded lake.

On the whole, New Hampshire is not yet bound over the hill to the poorhouse nor is its vigorous native stock submerged beyond rescue. It utters no loud cries for help and intends to work out its own salvation. Robert Frost has said it very well in these lines:

> The glorious bards of Massachusetts seem
> To want to make New Hampshire people over.
> They taunt the lofty land with little men.
> I don't know what to say about the people.
> For art's sake one could almost wish them worse
> Rather than better. How are we to write
> The Russian novel in America
> As long as life goes so unterribly?
> There is the pinch from which our only outcry
> In literature is heard to come.
> We get what little misery we can
> Out of not having cause for misery.

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From the Book of Extenuations

By EDMUND VANCE COOKE

The Serpent

Eve's tongue may wag and Adam's heart may harden,
Yet I claim credit and I ask no pardon
For anything I did inside the Garden.
I might have stayed there my eternal days
And merited small blame and less of praise,
For I was equal in the social swim
With angels and the saucy seraphim.
I was encompassed in the primal plan;
I was no sixth-day afterthought, like man,
But was considered when the world began.

Eve is ungrateful, as is woman's way,
And Adam—simple simian of clay—
Proclaims a grudge which lasts until this day.
Yet were it not for my work, what were they?
Brood-beasts they were, male man and female woman;
I saw their plight and brought them that acumen
Which made them sinful, but which made them human.

Cain

An Artist I! I loved the hue and shape
Of peach and pear, of pomegranate and grape
And in my gratitude for Autumn's hoard
I builded me an altar to the Lord,
And on it made mosaic of the tints
Which the ripe-breasted season tells, or hints:
Gold, crimson, purple, and the softer glints
Of all the myriad ecstasy of fruits!

Mine was no barbecue of slaughtered brutes;
My cairn of beauty was a living jewel!
But Yahveh asks for offerings crude and cruel,
The blood of beasts, the scent of entrails burned,
So Abel's was accepted, mine was spurned,
And in that spurning all my toilsome art
Was scattered to the winds. That hurt my heart
And Abel's smile laid salt upon the smart.
"If blood be grateful to this God," I cried,
"I see a way to make him satisfied!"
. . . . . .
It was about that time my brother died.

Moses

No pyramid was builded of the groans
Of driven slaves to glorify *my* bones.
No golden chamber and no jeweled shrine
Houses the dwelling-place which once was mine.
No lash drove labor to a dreary doom
That I might shrivel in a vaulted tomb.
Thus did the Pharaohs, who held my tribe,
And now their treasure-tombs become a bribe
To itching, alien fingers, which have stripped
Corpse of its coffin, coffin of its crypt.

But I, beyond the loots of love or hate,
I have no sepulcher to violate!
Yet, bounded by no metes of time or place,
Welded of my own will and Yahveh's grace,
Behold my cenotaph, the Chosen Race!

Ruth

Poor Boaz thinks that he arranged that parley
Which first we held among the fields of barley,
When all my humble words had hidden meaning
And his the fullest beard of all my gleaning.
He thinks I did him honor when I crept
And snuggled at his feet the while he slept,
And when he woke, without a hint of sin,
I claimed protection as his near of kin.

And so next day, as I had hoped he'd do,
He claimed me as his own and passed his shoe.
Dear Boaz! he's a man and so, in sooth,
A twisted finger-ring for little Ruth.

So I remind him often how he harried me,
Pursued and worried me, till off he carried me
And, spite of my disclaimings, kissed and married me,
And swear that womankind is most unfortunate
Hedged in a world beset by men importunate!
For, as Naomi says (and nothing's truer),
Pursued man loves to think himself pursuer.

David

I have been drunk of life's commingled wines,
Of lilied loves and rose-red concubines.
I have known battle and the white-hot charm
Of holding death at bay with this right arm.
I have known pomp and purpled pride and cries
Of clamorous applause against the skies.

I have been overwrought and overjoyed,
I have been sated, surfeited, and cloyed.
In my own life I've lived so many lives
Its flames are cinders, yet one spark survives.

Gold, glory, greed! I loved you not for long;
Wine, women, war! seductive, but not strong;
One passion lasts—the deathless lust of Song.

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New Morals for Old

Modern Marriage and Ancient Laws

By ARTHUR GARFIELD HAYS

"ARE we married?" This was a query recently put to a New York lawyer. The woman wanted to have been married, but wished not to be married any longer; at the same time she rather objected to a divorce. The man did not care much about it, so long as he could marry, or marry again, without too much inconvenience arising from the earlier entanglement. The lawyer's answer was so obvious that it might have been made by a layman: "How do I know?"

The two had been living together, had called each other husband and wife, and had in general passed as such, but at the beginning of the relationship each had felt that if one wanted to be free the other would not hold him or her; it was agreed that they should have no financial responsibility for each other and that there should be nothing about the arrangement which would make it last "till death do us part." In speaking of themselves as "husband and wife" they had intended the words to represent merely a formula of their own.

Now common-law marriage as recognized in New York State consists in a meeting of the minds—a contract. Thus, if two people live together as husband and wife this may be evidence of a common-law marriage. No formal agreement is necessary. But if there has not been even a private agreement of marriage their living together would be unimportant. If they wished to separate they would need no divorce, for they would never have been married. By passing as husband and wife they might gain the social advantages that come from a recognized relationship, and, since there had been no definite agreement, they might save the inconvenience of divorce if they wished to separate. Difficulty arises only when both parties do not agree that there was no agreement. Sometimes one party claims there was and the other that there was not. Then the very indefiniteness of the tie means added difficulty and publicity in breaking it.

In order to avoid future disagreement one couple made a contract in which they stated that they lived as husband and wife in order to avoid social stigma, but that as between themselves there was no agreement of marriage. The situation was trying because they always felt they were living a lie. Their answer was that society foolishly demanded either a penalty or a form and they preferred to provide the form. Fortunately, neither ever had to swear to the status and they felt that this contract—which provided for future maintenance of the wife and custody of the children—solved the problem or doubt of a life-long relationship. To those who made ethical objection, they answered that they were willing to contract on matters which concerned their wills, but knew it was contrary to human nature to contract on matters which concerned their emotions.

Not long ago in New York City a young woman who had scruples about promising to love a man forever expressed to the city clerk her unwillingness to use the form of marriage ceremony which he had produced committing her to love, honor, and cherish the man for the rest of his or her life. She said she was in good faith willing to contract to marry, and that she would do the best she could to make the marriage successful, but that was all; to which the clerk answered that if she were entering marriage in that spirit she should not be married at all. He was finally persuaded that the parties could be tied merely by agreement on her part to become the man's wife and on his part to become her husband.

If the law seems full of vagaries on the problem of entering marriage it is still more perplexing and technical when it concerns the question whether or not two people are still legally married when one has obtained a supposed divorce—so much so that it is not at all uncommon for a lawyer to be faced by a client asking whether or not he, or she, is really married. Some years ago a man was married in Philadelphia and later, having separated from his wife, went to New York. She obtained a decree of divorce in Pennsylvania, the papers having been served on him in New York. He married again and died a generation later, leaving a considerable fortune and three children by his second marriage. The first wife, or her attorneys, then discovered that the original divorce was not legal, since the Pennsylvania courts had not acquired a jurisdiction which would be recognized in New York. Since the man had left the estate to his "wife," there were complications. As the question involved the meaning of a will, the matter was one of intention and it was not difficult to prove that the deceased intended as his beneficiary the woman whom he regarded as his wife. But had he owned real estate at the time of his divorce the first wife might have had a dower interest, and had his status become one of public importance his enemies might successfully have charged him with bigamy.

Ordinarily, people are satisfied with a decree of divorce. It gives them the desired social status. Its technical legality becomes of importance only in connection with estates or the legitimacy of children. But a difficult question arises in case of remarriage. Legality depends upon the jurisdiction of the court. This can be acquired by personal service of papers upon the defendant within the State or a voluntary submission to the jurisdiction by appearing in the case personally or by attorney. But State courts claim and recognize their own jurisdiction even though papers are served outside the State. Under these latter circumstances, suppose a divorce granted a man in Utah is not recognized in New York. If he remarries in Utah he will have one wife there, while in New York another woman would be his wife and he would be obliged to support her there. If his wife in New York married again, she would be guilty of bigamy. In Utah it would be his duty to live with one woman. New York would attempt to make it his pleasure to live with another, and this on the ground of morality, for, although, ordinarily, the law of the place of the new marriage (in this case, Utah) would apply, yet this would result in his having two wives in New York. So on legal grounds we disregard the divorce, and on moral grounds we negative the second marriage.

Foreign divorces raise the question not only of juris-

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diction but of recognition by treaty of a judgment of the particular foreign country. For instance, judgments of French courts are not absolutely binding upon the courts of this country, as are the judgments of sister-States. In the case of Russia, where any two parties by agreement or a single person by request may become divorced, there is no treaty whatever. Occasionally, cases arise where persons abroad have obtained a decree for a rabbinical divorce. Under the old Jewish custom a rabbi could pronounce a divorce and the law of the state permitted a decree to be entered upon his pronouncement. Some states and countries make bids for the divorce business; not long ago an advertisement appeared announcing that a divorce might be had in Yucatan for $25, not, of course, including the expense of travel. Questions of the effect of interlocutory and final judgments, of the provisions of a divorce decree forbidding remarriage within a certain period, of the *bona fides* of residence, of the jurisdiction of the court, of treaties with foreign countries may make it difficult to answer the question whether or not two people are legally married.

All this confusion represents a beating of wings against a cage—an endeavor to obtain a legal paper with a red seal which will avoid a situation which two people find intolerable. We are tending toward a new moral conception of the marriage relationship, well expressed by Premier Zahle of Denmark when submitting a new liberal divorce law: "It is based on the fundamental conception that it is morally indefensible to maintain a marriage relation by legal statute where all the real bonds between the parties are broken. This is a measure which certainly means a great step forward in the recognition of marriage as a moral relation."

Marriage is a status resulting from a civil contract, but very few people who enter into it know what this contract is. It assumes certain rights and obligations. What are they? That the wage-earner will provide. This is enforcible, at least theoretically. What else? That the parties live in an emotional and mental state designated by an agreement "to love, honor, and cherish," and, sometimes, "obey." This is obviously unenforcible. (I make this assertion despite the recent Texas case in which a husband obtained an injunction restraining his wife's employer from flirting with her.) The contract continues for life, subject to termination for causes which depend chiefly upon the place of residence, actual or acquired. If they live in South Carolina and stay there, the contract is indissoluble. In New York the contract may be terminated for adultery, unless the other party has likewise sought refuge outside of marriage; in Alabama, for habitual drunkenness; in Nevada, for neglect to provide for one year; in Kentucky and New Hampshire, for joining a religious sect which believes marriages unlawful; in New Jersey, for extreme cruelty; in Wisconsin, if the parties have voluntarily lived separately for five years; in Massachusetts and a host of other States, for desertion; in Pennsylvania and Oregon, for personal indignities or conduct rendering life burdensome; in Vermont, for intolerable severity; in France, if the parties have other emotional interests; in Denmark, by consent; in Russia, by request. Of course, in most of these states there are other grounds, but the result is that either party can bring about a situation which permits divorce or can make life so intolerable for the other that he or she consents to it. But these grounds must arise subsequent to marriage; the agreement cannot be made in advance.

In life the duration of marriage depends upon the desires or consent of individuals. In law it is perpetual, subject to termination not by agreement made at the outset, or by later consent, but by court decree. At the time of entering into marriage people usually know merely that somehow, somewhere, some time there is a way out if the situation becomes too strained. Technically, since the contract is for life, a divorce is granted for a breach. Thus there is an implied term, as there is in every contract, that relief is granted for a breach—but what constitutes a breach depends not upon the terms of the contract or the law of the place where the contract is made but upon the jurisdiction where relief is sought—a matter of which the parties ordinarily know nothing when they make the contract. Convention seems to demand that the parties know not what they do.

Modern society, this summary seems to show, has been moving toward freedom of contract in marriage. Those phases which concern the state, such as economic provision and children, must be conserved. But time was—and still is in some places—when marriage itself was a tribal or a state matter. Then it became a family matter, determined by the parents, and property and family rights and interests were the important considerations. But parents, knowing by experience that there can be no happiness without security—although there might be unhappiness with it—failed to take into sufficient account the emotional content, and, particularly in the Western World, there developed a certain freedom of contract in making a choice. Today, when people have come to recognize the necessity of sexual and social compatibility, which cannot be determined in advance, there has come a demand for a further freedom of contract, to which society has responded by more liberal divorce laws. The laws which permit a divorce where parties have not lived together for a certain length of time make the duration of the marriage relation really a matter of consent. They mean in effect that a contract of marriage contains an implied term that it is to continue until the parties consent to its end, and in human relations this means until one party demands its end.

If a person proposed that the law recognize a marriage contract which was to continue until either party desired its termination, he would be regarded as a wrecker of our institutions; but society is doing this very thing—obscurely, perhaps, as an after-effect, not as a preconceived design; blindly, and not with intelligent forethought. Many have suggested that marriages be made harder and divorces easier. But how revolutionary would seem a suggestion that marriage contracts be made in advance, conforming to the teachings of experience, providing for maintenance and custody of children and limited by the understanding of the parties; that those who, for religious or ethical reasons, wished to enter into a life contract be permitted to do so; that those who wished to enter into a contract to terminate by joint consent or at the option of either party likewise be permitted to do so? An objection that this would be dangerous assumes that people choose the present form only because compelled to do so. Individuals are breaking from the old conventions, and the law, usually a laggard by a generation, is following them. In forty-three States desertion is a ground for divorce; in twenty of them, desertion for one year. In seven States, failure or neglect to provide is a ground; in four of them, the period is one year. In some States, if the parties live apart for a certain length of time—in three of them for five years—that is ground

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for divorce. Is not this divorce by agreement? And by implication, since living together requires the willingness of two parties, the result is a contract which may be ended by either of the parties at any time he or she sees fit—after an intervening cooling period. Thus does freedom creep in by the back door.

Does this work harm to society? There is little difference in the marital or social conditions or in the welfare of children in Norway and Sweden, where there are liberal laws, and in England, where divorce is a long, complicated, and expensive process. No one could discover that he had crossed the State line from New York to Pennsylvania by observation of the state of society, the happiness or apparent duration of marriage, the welfare of children, or the social conventions of the people. Yet in Pennsylvania there was one divorce for every 10.2 marriages in 1922 and only one for every 22.6 in New York. In South Carolina there are no divorces; in Oregon, the number of marriages to one divorce was 2.6; in Wyoming, 3.9; in California, 5.1. In the District of Columbia, the banner section, there were 35.8 marriages to one divorce. There, as in New York, the only ground is adultery. Yet San Francisco society seems as stable as that of Washington. Of course, the figures do not mean that seven times as many Washington couples as California couples, and four times as many New York couples, make a success of marriage or live together when it has ceased to be a success; but rather, that New Yorkers and Washingtonians solve their marital troubles elsewhere than at home. Thus, in Nevada in 1922 there were more divorces than marriages, because people married in other States repented in Nevada.

Whatever effect it may have on society, the extension of grounds for divorce which has taken place in the last decade, and the modern improvement in communication and travel, which opens other States or foreign countries to an increasing number, brings about a situation by which people, though not free to contract, do avail themselves of means which have the same effect. Revolutionary changes occur unnoticed, while our delusions persist and our sense of conservatism is gratified.

Party Government Ebbs

(The Nation's *Weekly Washington Letter*)

By WILLIAM HARD

FEW topics are more alluring to the political reporter than the rising swells and declining ebbs of parties and of party government. At this moment in the United States the political reporter surely is bound to see party government at an ebb which has declined to a level lower than at any other moment in our day.

Mr. Davis in his speech accepting the Democratic nomination at Clarksburg was able to make a considerable point of the violence of the Republican attack upon what the Republicans called the "executive autocracy" of Woodrow Wilson, while within three years thereafter the Republicans submitted with a servile tameness to a total defiance of their party by Calvin Coolidge and proceeded to reward his "autocracy" ultimately by a nomination granted to him almost unanimously at Cleveland.

Mr. Davis in effect maintained that Mr. Coolidge was less of a party man than Mr. Wilson. The charge has merit. Mr. Wilson and his party in Congress went along together. It can be said that Mr. Wilson overbore his party. It could also be said that Mr. Wilson consulted his party and, if he overbore it, at least did not act until he was sure that he would be able to overbear it.

The result was that under Mr. Wilson a Democratic White House and a Democratic majority in Congress were in harmony and produced during Mr. Wilson's first administration an admittedly massive and epochal amount of new legislation which became historically important on the statute-books of the United States.

If the first basic origin of this result was to be found in the will power of Mr. Wilson, the method of it and device which promptly and successfully brought it into existence was a party with leaders and sub-leaders and followers and sub-followers acting ultimately, harmoniously, and effectively for themselves and for the country in a spectacular illustration of party government at its fullest.

Mr. Davis looks back to those days with pride and with approval. He contends that the Republican Party lacks the internal harmony which the Democrats had under Mr. Wilson and which Mr. Davis regards as the indispensable preliminary to success either in legislation or in administration. Mr. Davis's implication is that the Democratic Party still has such a harmony and is still a party, while the Republicans have ceased to be a party and while the La Folletteites admit that they are not yet a party.

Incidentally it is to be noted that Mr. Davis in his speech accepting his nomination pays virtually no attention to Mr. La Follette. He makes, it is true, one allusion to the "panaceas" of "radicals"; but since he calls them "dreamy radicals" the reference can hardly be thought to be to the senior Senator from Wisconsin. Mr. Davis's chariness in putting on the gloves with Mr. La Follette, while he delights to put them on with Mr. Coolidge, has both an outward significance and an inward significance. Outwardly Mr. Davis admits that Mr. La Follette is the puzzling and upsetting element in the situation. Inwardly he has not yet apparently made up his mind just how to solve that puzzle and just how to get around that upset. He makes it perfectly clear in his private conversation that he intends to bang and buffet Mr. Coolidge. Just what he will try to do to—or about—Mr. La Follette he has reserved for future consideration and decision.

In any case it is manifestly open to him to claim that the La Follette following is not yet a party and that it contains within itself elements in irreconcilable conflict with one another on the League of Nations and on other aspects of foreign affairs and on the question of monopoly and of public ownership and on other highly important domestic questions with no organized and recognized body of authority within it to bend these elements to common action if they should happen to slip into power.

The La Follette following, it is alleged by its enemies, and it must be admitted in candor by its friends, would be

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only a small fraction of its present bulk in this campaign if it were not the diversified following of one man who is followed for a multitude of unconnected reasons.

The Republicans gloat over that fact and call themselves a party relatively to the La Folletteites; and the Democrats, through Mr. Davis, gloat over the "autocracy" of Coolidge and the endless unresolved divergencies of opinion and of action between Mr. Coolidge and his party colleagues in Congress and call themselves a party relatively to the Republicans.

It has to be admitted that Mr. Coolidge has not behaved as a party man. The White House has often transformed party men into individualistic magnates. It has transformed Mr. Coolidge into a peculiarly determined individualistic magnate with a suddenness and completeness perhaps unprecedented. He not only insists upon differing from the mass of his party colleagues in Congress, but he insists upon making his own minority views the test of loyalty to the party in general. His immediate friends regard the approaching November election as an occasion on which the people will empower Mr. Coolidge personally to make all other elected Republicans bow to his sole will. They talk about this election less as if it were an election for the choosing of a President than as if it were a plebiscite for the naming of an emperor who thereafter would rule by himself.

That sort of thing, whatever its merits, certainly cannot be called party government. The La Folletteites are followed by a mob. The Republicans are one man pulling a cart with occasional squealing brakes on it. Neither performance is party government as taught in the books and as proclaimed to be necessary by tradition and by Mr. Davis.

Let us look, for a moment, however, at Mr. Davis himself. He is the candidate of the Democratic Party for the highest office in the land. Yet he is not—in any true political sense, in any true party sense—a leader of the Democratic Party. In Britain, the modern cradle of parties and the classic nursery of their present development, Mr. Davis could not conceivably with his present political standing and acquaintance become Prime Minister. He has not been elected to anything for many years. He is not familiar with the immediate inside Democratic Party situation. He was selected in New York City for two reasons among others. The first is his undoubted high personal ability. The second was precisely that he is not an insider but happily and harmlessly an outsider to all the recent troubles and experiences and developments which his party has suffered and survived. He is in his way as much an illustration of the resort to one man as Mr. Coolidge is or as Mr. La Follette is. He has been called in not because he is the fruit of the party but because he is to be its gardener.

If this sort of situation be compared with the situation which in Britain invariably produces a Prime Minister from among the party leaders who are most covered with the immediate dust of the party struggles in Parliament, it becomes readily apparent that in this country at this time the classic conception of party government is far indeed from realization.

In such circumstances the followers of the prospective third party naturally hug to their bosoms at least the idea that in their efforts to establish such a party they enter a field where their rivals, as parties, as party organizations capable of truly party government, are not as strong as they were but are in fact in a manifest decline.

In the Driftway

THE Drifter has at last discovered why musicians are not good conversationalists. He learned from his friends the cellist, the pianist, and the clarinettist, who spent a whole evening talking Brahms in his hearing. "Re mi fa *do* ti," the clarinet would suggest. "Ti do re *la* sol," corrected the cello. "Fa la la la; la re ti sol-l-l," commented the piano, laughing at them both. Then they would all three talk at once, very politely and comprehensibly. Before one movement was finished, the Drifter felt so left out that he was ready to deliver an oration on any subject. But no one suggested a subject, only went on quoting measure after measure in perfect harmony for two hours and a half. Afterwards the clarinettist said in slow English: "I like the adagio best." The cellist smiled vaguely. "Goodnight," said the pianist to his confederates and to the Drifter. All the Drifter's prepared observations about ensemble and themes and tone quality seemed superfluous. They had all been said.

* * * * *

A COMPOSER the Drifter used to know would frequently alarm his family by rushing to the piano, playing a phrase or two, then swinging round to wait for an answer. If his remark was quoted from a song some one would usually recognize it. "Batti, batti, Don Giovanni," of course meant "You are all just a little insane." But if the phrase was original it might mean anything from "How melancholy I feel" to "Let's go to supper."

* * * * *

FEW actors regard their own extemporaneous conversation as much worth listening to. It is hard to stop being earnest and still feel important. One can keep on walking and dressing like a dreadfully clever cynic, but as for talking it—why, Oscar Wilde himself spent months writing those lines. Yet the actor can't resist imitating them. Now if you think it hard for him, pity the poor musician! To improvise Mozart, translate his measures into speech, and then fit them into ordinary human converse—this is another matter.

* * * * *

IT is all very mysterious to the Drifter. He admits that when the music-wise begin their learned discourses he sometimes pleads ignorance and escapes. "Give the Drifter something he can understand," he will implore, "a folk-song, or some good simple jazz." But jazz, it appears, is no longer simple. On the contrary, it is a highly cerebral form of expression, beside which the classics are relatively primitive and emotional. Strauss's "Tod und Verklärung" is a mere nursery rhyme, to judge by the new critics, compared with the "Limehouse Blues." Mr. Seldes's "Seven Lively Arts," to which the Drifter turned in the glad expectation of finding sympathy for his low-brow loneliness, expounded jazz in technical terminology of cross-rhythms and orchestration. Still the Drifter refused to believe. He tried a brief explanation of jazz by one Virgil Thompson in the *Mercury* and learned the formula for "blues" harmony—memorized it carefully. Here it is: "Subdominant modulation with alternations of tonic major and minor." He also learned that "the chromatic (or diatonic) succession of dominant ninths so dear to Franck and Chabrier has become popular, and the mediant or sub-mediant tonality

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offers a pleasing relief from the more obvious dominant." After reading two pages and a half about counter-melodies, *glissandi*, instrumental balance, "the contrapuntal style enforced by disparate combinations," and much, much more, the Drifter comes out little the wiser. . . . Yes, he *is* wiser, wiser and sadder. He has lost all illusions about the happy spontaneity and careless freedom of his once-loved jazz.

THE DRIFTER

Correspondence

(Letters on the series New Morals for Old have poured into the office of The Nation. *It is impossible to print more than parts of a few of them, but those we have selected and printed below present some of the varying and conflicting views of our readers. Other letters on the series will appear in a later issue.)*

Old Immorals

TO THE EDITOR OF THE NATION:

SIR: Would it not be a good idea to reverse the title of your series and say Old Morals for New? Herodotus when writing about Egypt rather disapprovingly reports the Egyptians' absolutely unrestrained sexual practices in their temples. The theology of the Egyptians as well as of the Greeks themselves is certainly free from prudishness. Certainly there was no place in old Greece for men like John Roach Straton. As Mephisto-Goethe put it:

Man darf das nicht vor keuschen Ohren nennen,
Was keusche Herzen nicht entbehren können.

New York, June 1 ERNST WALDSTEIN

We Break Up the Home

TO THE EDITOR OF THE NATION:

SIR: My immediate reasons for discontinuing my subscription to *The Nation* are seven in number—they are seven out of the eight articles under the general caption New Morals for Old, recently appearing in your periodical. Under the guise of progress these atrocious sex articles seek to do away with all the gains of civilization as to home and family, reverting to a selfish individualism which can only destroy the generations yet to be. I do not object to these articles so much as immoral—that does not particularly bother me one way or the other—as because they tend to break up what I believe to be the main support of civilization—the monogamous home. As a member of the Book and Periodical Committee of our local public library I felt obliged when the first of these articles appeared to recommend the removal of *The Nation* from our library tables as a menace to the youth of the community, and the immediate cancelation of the subscription.

Kennebunk, Maine, August 15 ROBERT P. DOREMUS

Bertrand Russell and the Jewish Law

TO THE EDITOR OF THE NATION:

SIR: Mr. Russell ventured on a trip of discovery in an ill-equipped craft. He landed on many distant shores and gleaned information everywhere. I am only concerned with the impressions he gained in the spiritual land of Judea. He makes the statement that "religious Jews have observed dietary laws far more scrupulously than what seem to us fundamental principles of morality." Just the opposite is true. Religious Jews accept the authority of the Torah (Bible) and of Jewish tradition. Had Mr. Russell followed the elementary rule of verifying his sources he could have convinced himself, from any English Bible translation, that whereas sexual offenses like incest and adultery, which Mr. Russell cites, are capital crimes, offenses against dietary laws are mere torts. Moreover, Jewish tradition requires of its adherents that they face certain death rather than transgress the prohibitions against murder, incest, and idolatry. No such importance has ever been attached to the dietary laws either in theory or in practice. On the same page Mr. Russell quotes Leviticus for the levirate law that occurs in Deuteronomy and lays down axiomatically that "this custom originated in ancestor worship."

There is no justification for such a view in either the Biblical sources or in the results of modern anthropology. The sources give the following reason: By marrying his brother's childless widow the "levirate" helps to perpetuate his dead brother's name since the first son born of such a union would step into the latter's place as his heir. Thus the family property was kept together and the dead man's aspirations came to life in his first-born.

This interpretation is generally accepted among modern anthropologists. The desire of man in all stages of society is to perpetuate his own kind; therefore if he dies without issue, the wife should at least marry his brother so that there should remain some trace of his memory in society.

On page 498 Mr. Russell contrasts the commandment "Thou shalt love thy neighbor as thyself," which he presents as an example of highest "Christian" ethics, as an "end of life," with the injunction of the Decalogue, "Remember that thou keep holy the Sabbath day," a mere "rule of conduct." He suggests that the morality that ought to exist would lay down ends of life rather than rules of conduct and that the belief in the importance of the latter is superstitious.

These lines, apparently the pivotal center of Mr. Russell's critical review, are in fact its weakest part. Had he but troubled to read his Bible he would have discovered that, unfortunately for his arguments, "Thou shalt love thy neighbor as thyself" occurs in Leviticus, which, in spite of the ingenuity of modern Bible critics, is still generally considered to be a part of the Old (Jewish) Testament.

New York, May 12 M. JUNG

Parasites or Partners

TO THE EDITOR OF THE NATION:

SIR: In her otherwise excellent article Elsie Clews Parsons does not describe fairly the status of the home-staying married woman. Mrs. Parsons summarizes this part of her article in the following words: "Wifely parasitism is holding its own. . . . Where income permits the wife continues to be the consumer, the husband the producer."

The notion that a married woman is not obliged to contribute to the family income because she is married is disappearing so fast that its traces are hardly visible; but the fact that the married woman stays home whenever it is possible, i.e., whenever her husband's earnings permit it, is still very much with us. This is so for economic and physical reasons.

In spite of the large number of institutions and inventions that purport to, or actually do, ease the task of the homekeeper, keeping house without servants takes up most of a woman's day. It may be admitted that the woman who has to do only her housekeeping and cooking, and has no young children to care for, has a few free hours each day. Should she, as Mrs. Parsons suggests, seek outside work for these hours, unless it is essential economically? In my opinion this would be quite unfair. The woman who keeps house has no day off. Cleaning and cooking must be done every day. The fact merely is that the woman gets her day of rest spread in small parcels through the week. Seeking work for these hours of leisure would be equivalent to the husband's seeking a second job for Sundays and holidays.

Where the married woman must go to work in order to

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keep the family above the starvation-point, the result must be either a thoroughly neglected home or, more usually, double work for the woman—outside work during the day and housework at night. I will say nothing of the woman who has to care for one or more young children, besides her housework.

Mrs. Parsons mentions the fact that in Europe the wife's contribution to the family income is taken for granted much more than here. It is so for the same reason that it is taken for granted here among the very poor. The difference is that there are more people in Europe on this low economic level. The results in Europe are the same as here: neglect of the home and children and overwork for the woman.

Brooklyn, May 21 DORA C. SHAPIRO

The Sex Equality of Our Ancestors

TO THE EDITOR OF THE NATION:

SIR: Charlotte Perkins Gilman repeats in *The Nation* the old fiction of man's domination of women by "religion, law, and family authority." But this has occurred only during comparatively brief periods of civilization, ancient and modern. For most of the time nearly all our forebears and nearly all the peoples of ancient states preserved an equality between women and men. In ancient civilization this was the equality of slaves. The proletariat of early Rome and the colonii of the pagan empire and the serfs of the Christian empire from Theodosius onward, constituting by far the most numerous and prolific part of the population, retained complete sexual equality because neither man nor woman had any other status than that of slave or serf. The same thing is true of all medieval Europe after the fall of the Roman Empire. At least five-sixths of the population were peasants and serfs, chained to the soil, but were enjoying complete sexual freedom. They mated naturally and voluntarily. Monogamy was common and was expected and approved, but marriage was unusual and most of the serfs were under legal disability of marriage. The monogamous male was a valuable asset to his mate and she suffered if he deserted her or if he were taken away by a press gang for the navy or by conscription for war or by death. But she was under no legal bonds to him and if she could get along better without him she was quite free to do so. Moreover, there was no such differentiation of tasks, virtues, or duties between the sexes as Mrs. Gilman describes. They shared in common the labor of the fields and the merrymaking of the holidays, and one sex was as chaste as the other. There was no "double standard."

The point is that it is from this stock that nearly all of us are descended, and not from the aristocratic few whose domestic institutions are described by Mrs. Gilman. Strict monogamous marriage augments the nervous organization of posterity, but the groups that practice it for many generations become so unfertile that their numbers tend to decrease. Most of the blood now in the veins of Americans results from the complete sexual freedom of the medieval serfs, modified by a few generations of religious, monogamous marriage. Hardly a trace of it comes from any remote ancestors, whose marriage customs demanded "compulsory motherhood."

New York, June 7 R. H. TOWNER

Clarifying and Interesting

TO THE EDITOR OF THE NATION:

SIR: That is such a good article of Mr. Krutch's in *The Nation* on Sex and Fiction that I can't keep still about it. I've read it several times. I particularly like his handling of Huxley—his attitude of not blinking the obscenities, but just trying to account for them. And that was a neat phrase about "Adam Bede." Altogether a most clarifying and interesting article. I wish I had written it!

New York, June 25 DOROTHY BREWSTER

Books

Colonies of England

Herbert Levi Osgood, an American Scholar. By Dixon Ryan Fox. Columbia University Press. $1.75.

The American Colonies in the Eighteenth Century. By Herbert Levi Osgood. Columbia University Press. Vols. I, II. $5.50 each.

George III and the American Revolution: The Beginnings. By Frank Arthur Mumby, Fellow of the Royal Historical Society. Houghton Mifflin Company. $5.

NO one should attempt to read Mr. Osgood's volumes on colonial history without first familiarizing himself with the admirably sympathetic and appreciative tribute which Dixon Ryan Fox has written in memory of the author. Suggested originally by certain of Mr. Osgood's students at Columbia University and its cost defrayed by donations from a number of them, this little volume admits the reader to the inner life and purpose of a very lovable man, of great modesty and great ability, who more than any one else has revolutionized the writing of our earliest history. Without other ambition than to tell the truth of the colonial story and to do so under the most exacting self-set limitations of scope and presentation, Mr. Osgood devoted the best years of his life to the single task of interpreting the institutional character and development of the American colonies in the seventeenth and eighteenth centuries.

Rightly deeming all other comprehensive treatises on the period as faulty and superficial, because based on inadequate information and still more inadequate understanding, Mr. Osgood spent more than thirty years in contributing by every means at his command to a revaluation of the place that the colonies occupied in the British scheme of things and in the evolution of American political and institutional ideas. He brought to his task the powers of a great teacher, an indefatigable investigator, and an interpreter of penetrating wisdom and unbounded zeal. He formulated his own philosophy of the subject, emphasized his own methods and views in the classroom, spread widely his ideas in printed statements and articles, and aided generously and cooperatively the work of those who received their historical training at his hands. Unlike Lord Acton, who, though wise of counsel and stimulating as a promoter of other men's historical work, never wrote a book, Osgood gave permanent form to his conception of colonial history in what will eventually reach a total of seven capacious volumes. These volumes, characterized by fulness of knowledge, fairness of treatment, insight into the deeper springs and processes of historical development, and profound understanding of the influences at work guiding the actions of men, are in themselves a notable and worthy life-work.

Mr. Osgood had no desire to afford entertainment to what is known as the reading public. He wrote for scholars and by scholars will his results be appraised. His volumes were conceived in study and reflection and only by study and reflection can they be mastered. They were not intended to be the play-time companions or solaces of the leisure hour. Though Mr. Osgood had no lack of respect for the public as a reader of history, he believed that the historian should have the subject and not the public in mind.

The first three volumes, which appeared in 1904 and 1907, exposed in elaborate and complex form the plan that Mr. Osgood had already presented in sundry earlier articles. They showed that he had no interest in narration or description as such, but was concerned with the evolution of government and institutional organization, because it seemed to him that the political and constitutional side of the subject should be given first place, inasmuch as only through law and political institutions could social forces become in a large sense operative. Now, in 1924,

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six years after his death, appear the first two of the remaining four volumes, which are to carry the subject to 1760, the eve of the pre-revolutionary period. It is not much to the credit of American publishers that the manuscript should have had to be hawked about and finally should have been rejected by all of them. But business is business, and institutional histories that call for mental effort are not among the best sellers. In this country historical scholarship meets with little encouragement and reaps little reward, unless it is expressed in such alluring form as to make it salable for a profit.

The new volumes resemble the others in plan and treatment. They exhibit the same fixedness of purpose and are marked by the same severe limitations. Their content is very substantial, the treatment thorough and methodical, and the results are always dependable. The characterization of the personages dealt with is almost invariably sound and illuminating. In one respect the later volumes differ from the earlier. As Mr. Osgood advances into the eighteenth century, he deals more with action than with form, with operation than with structure. There is less analysis and more movement. This is not as true, however, of the chapters devoted to the British system of colonial management, where no attempt has been made to go beyond an analysis of function and structure and no effort made to study the British boards and departments actually at work in shaping the colonial relationship. These chapters leave upon the mind an impression of remoteness to the British system which in some ways is to be regretted,

Mr. Mumby's work entitled "George III and the American Revolution" is wholly unlike that of Mr. Osgood both in plan and purpose. Yet it, too, is worth while in its way, for it is interesting in that it gives an insight into the working of the human mind in times of crisis. It contains the story of the years from 1760 to 1776 (a second volume is to follow) in the language of contemporary correspondence, British and American, with a running commentary or nexus of events supplied by the editor. The volume will be read with considerable pleasure by many to whom Mr. Osgood's pages would be mentally painful, infinitely more important though they are. The impressions are agreeable, but inevitably of slight significance, and the work as a whole runs along a very narrow surface. The problem of the American Revolution cannot be solved in this fashion. The text is entertaining, but one feels that the method is wrong and that Mr. Mumby himself does not always understand the issues at stake. Else he would not have spoken in his commentary of Pitt as championing the "cause of American freedom," which he never did, or of the colonies in 1766 as a "united nation," which they were not even in the moments of gravest emergency. Nevertheless, Mr. Mumby's work will serve its purpose.

CHARLES M. ANDREWS

A Momentous Voyage

Journal of First Voyage to America. By Christopher Columbus. Albert and Charles Boni. $3.50.

LONG after the technical historian has abandoned an interpretation, either through increased information or because of a reexamination of materials, the inefficient professional and the casual reader continue in error. Often such a condition is excusable on the ground that the revision is buried in obscure journals or that the weight of tradition militates against a general and rapid acceptance of the new position. These reflections are relevant in connection with the momentous voyage of Columbus. In many of the most excellent textbooks on American history it continues to be axiomatic that Columbus voyaged because the Turks closed the trade routes to the East. Some years ago A. H. Lybyer of the University of Illinois published a paper in both English and American historical journals in which he definitely proved by the study of the fluctuations of prices and supplies of Eastern commodities in the markets of the Italian city states that the Turkish conquests had practically no influence on the trade. He further cited material tending to prove that the Turks extended courtesies to merchants desiring to cross their territories. He noted that the lack of any sharp rise in prices indicated a steady supply of Eastern commodities and he showed that when the Italian market collapsed it was from a different cause: the coming to power of the Atlantic seaboard commercial states.

This bit of research pushed the genesis of the attitude resulting in the voyage back into the socio-intellectual situation resulting in the expansion of Europe. The Italian city states had a practical monopoly on the trade routes to the Indies via the Near East, and so monopolized the trade. With the rise of Atlantic seaboard cities and nations to commercial prominence the dominance became irksome and they cast about for some way out of the situation. Cultural progress favored a release. The reports, somewhat fabulous to be sure, of travelers were becoming widely circulated. The crusades were not unimportant in stimulating curiosity and generating desires. There was a distinct revival of Alexandrian geography and astronomy (e.g., the writings of Ptolemy and Strabo), and many advances in cartography were made (see the letter from Toscanelli to Columbus, Note I of this volume). There were a series of important improvements in nautical instruments having to do with determining distances and position on the earth. The compass was known in the ninth century. There were important advances in ship-building. Chance and purpose had led to important discoveries.

The total expression of these various forces was the expansion of Europe (cf. Shepherd, Expansion of Europe. *Political Science Quarterly.* 1919). It thus appears that Columbus's voyage was only a part, albeit a very momentous part, of a general movement having its roots deep in European history and resulting in a tremendous release of energy which has not ceased even to our own day. Here, more than in the fabulous Renaissance of Symonds, originated the forces making for modern times. For very directly out of the expansion came the commercial revolution—a response to extended markets—and such intellectual activities as ethnology, ethnography, comparative religion, and all concerns implying a diversity of peoples and customs, and extending even to literature and manners. And it was but a short step to the industrial revolution and its extended influences.

If such a perspective seems to dim the luster of Columbus's achievement it is unfortunate, for to the people of the United States and to Europeans as well it is perhaps the most significant of all the voyages in the general movement of which it was a part. It stands as a beacon in the path of an historical movement. It marks the beginning of white men's activity in North America, and from that place were many important forces set in motion and to it were many of the strengths of the Old World carried. The implications of this man's achievement are astounding.

In this bare, matter-of-fact, but often thrilling record we catch a glimpse of his personality and realize dimly the impact of the new scenes on his curious mind. Columbus was intensely religious and referred all happenings to the will of God and sincerely desired to convert the discovered peoples to Christianity. He was a canny man who, so far as his knowledge extended, noted the commercially valuable products available and tried diligently to locate sources of gold. He was loyal to his backers and never neglected formally to claim each island for Spain. He had ethnological interests in that he set down his observations on the religious practices, property laws, marriage customs, and so on to the best of his understanding. He was kindly, preferring the gentle natives to the warlike ones, and honest, for he prohibited unjust barter between his sailors and the natives, and he forbade plundering. He noted that the natives seemed to practice communism, but he thought that monogamy was the rule except among the chiefs. Though he rather favored the use of clothing he was not blind to the beauties of the naked body, male and female. In fact, setting aside

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his religious bias and his constantly lamented lack of botanical knowledge, he seems to have had the catholic and tolerant mind necessary to the explorer.

Even in the abstract by Las Casas published in this case the romance of the adventure does not escape, it is so essentially a part of the story. This voyage must always remain one of tremendous interest to Americans, and there is no better way of keeping it alive than the publication of the "Journal" of the man who conceived and carried it out.

C. HARTLEY GRATTAN

The Tragic Lift

The White Ship. Esthonian Tales. By Aino Kallas. Translated from the Finnish by Alex Matson. Foreword by John Galsworthy. Alfred A. Knopf. $2.50.

Country People. By Ruth Suckow. Alfred A. Knopf. $2.

A BRIEF preface by Mme Kallas tells the history of the Esthonian people and explains the dark color of her tales. The story of this people's enslavement begins with the forced introduction of Christianity in the thirteenth century, when German Knights of the Sword and another order of knighthood, founded with the Papal blessing, subdued the land and asserted their superior rights as Christians by reducing the conquered people to an absolute serfdom in which they were as completely deprived of legal protection as an inanimate object. Then, at a later period, Peter the Great handed them over to the only nation which would continue to deny them their most elementary rights long after every other country of Europe had granted its peoples some recognition of their status as sentient beings. So the story of their wrongs does not end until after the Great War had freed them from Russia. During the periods covered by these tales the peasant was still virtually the property of his lord; without warning men were torn from their wives and children to serve twenty-five years in the Czar's army; the merciless lash punished the slightest infractions of discipline, and even the famous, half-legendery *jus primae noctis* was occasionally enforced. Thus the stories are stories of the grim things which men and women, with the needs and feelings of human beings, are called upon to endure under a regime which assumes for them less sensibility than that of the beasts which they drive to the field.

From such material anyone might draw pathos and tears, but it is the final achievement of art to rob painful things of their pain, and this test Mme Kallas meets. Her stories are not pathetic, and they exalt more than they harrow. In the first place she has given to them some of the simple dignity of the legend in which terrible things are made more terrible by the calmness with which the inevitable is received and the dark conditions of life accepted. But she has done more than that: She has given them the lift of tragedy by making the dignity of the sufferer more striking and memorable than the suffering. She tells of brides condemned to Siberia on their wedding day, of mothers robbed of their children, and of hardened sinners dying with bonfires lighted upon their chests to forestall the fires of hell, but by the touch of her art she robs such things of their pain, setting the patient strength of humanity over against the sorrow that it endures and showing that man can bear whatever burdens his fellow-man may put upon him. Nor will the humanity which she describes give up wholly its right to all that is implied by "that sad word, joy." Like the defiant flowers which nature sends through the hard earth to flourish for a few weeks in that cold Northern land, love and the joy of life snatch a moment to flaunt themselves between calamities, and thus humanity stubbornly reasserts its nature in spite of an insistence, continued for centuries, that it shall sink into the dull passivity of the beast.

In the dialogue, A Bathsheba of Saaremaa, the author achieves the maximum of dramatic tension in the story of a young wife who betrays her husband to the conscription in order that she may become the darling of an overlord, but Gerdruta Carponai is the story most typical of the spirit of the book. Here a terrible visitation of the plague leaves destitute upon the seashore but two survivors—a girl of the people and a young man of the master class. They have suffered every calamity, but the irresistible force of life turns their predicament into a brief idyl and they found a family—a family, it is true, destined to be fishers and slaves, but one which, like its founders, will continue to live in spite of all and to vindicate once more the eternal hope and eternal fortitude which give to man his dignity and make his story not a tale told by an idiot but a tragedy written by a master.

The method of Mme Kallas is the dramatic one which befits the violence of incidents taken from the history of a people which lived precariously and upon which calamity, sudden and definitive, was likely to fall. Miss Suckow, dealing with a more tranquil life, chooses for her short novel of the German farmer of the Middle West the form of a simple chronicle. In it she can summarize the lives of three generations and depict a tragedy (if tragedy it is) not of decisive violence but of attrition. In her story no passions rise high, her characters measure their achievement by solid, material things, and the pity is chiefly that men and women who have worked so hard for a living should live so little. She traces the history of a family from the grandfather who came as a settler to the grandchildren who go their separate ways in a changing civilization, and their story is typical. Change comes but it comes slowly. The purchase of a Ford marks an epoch in the life of the second generation, but a Victrola comes only with the third, and meanwhile the elders, worn by labor, drop aside. Their lives are without the terrible sufferings which Mme Kallas describes, but they are also without the passionate defiant joys. Happier but less intense they live their lives in labor and pass on to each succeeding generation a little more comfort and a slightly changed civilization.

Miss Suckow's method is no more showy than her story, but it has the advantage of wide observation, absolute honesty, and the knack of selecting just those incidents calculated to picture to the imagination the life which she is describing. Moreover, she has no ax to grind and she neither satirizes nor idealizes. No more unprejudiced record has been written of this particular epoch and this particular region. It gives an impression of completeness without being either ponderous or dull.

J. W. KRUTCH

Coal Mining

Miners' Wages and the Cost of Coal. By Isador Lubin. With the Aid of Council and Staff of the Institute of Economics. McGraw-Hill Book Company, Inc. $2.50.

MEN passing to and fro around the mouth of a coal mine make a picture of great interest. Their lamp-laden caps and grimed faces suggest what they do inside. They are casual as they move about, as casual as hod-carriers with their burdens, yet they are familiar with the inside of the earth. They know what it is like in those cavernous labyrinths, where most people would lose themselves: labyrinths that sometimes reach miles from the light. For coal miners the mystery of tortuous interiors has fled. What do they see in there? What do they do? How do they feel? Do they like to get back to the sun? Just how are they different from other people?

It takes a little from the romance of the picture, but adds to its interest, to know that these men are all definite tradesmen. They are as definitely tradesmen as bricklayers and tinsmiths. They know what they are about, and each has his own tasks. Coal mining is not a single craft. It is many crafts. At least thirty different trades are followed in getting coal out of the earth and ready to ship from the mine. The man who bursts down the face of the vein with explosives, the man who runs a small car up to the pile of broken coal, the man who lays the

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track for this car, the pumpman, the trimmer, the screener—all these and others compose the motley crew who dig the world's fuel. What is the machinery for determining the wages of soft-coal workers? This is of interest, first, because it has a bearing on the sufficiency of our supply of mined coal; second, because it affects the price that people pay for that coal, and third, because it touches the conservation of the coal resources of the country. If people took a greater interest in what goes on around coal mines and how mine workers and operators adjust their multitudinous differences, steps toward economy and greater smoothness of operation might be taken.

Nearly everybody knows that there have been exhausting coal strikes in the bituminous fields in recent years, making some homes and some offices cold, and that representatives of both the mine workers and operators meet every so often to adopt a wage scale and compose other disagreements. The occasion for the meeting of these representatives is called the Interstate Joint Conference. Underlying its negotiations is a fairly well-recognized principle. This is the principle of competitive equality. Operators interpret this principle to mean that wage rates in all parts of the widely separated coal-fields are to be so fixed that every operator can compete successfully with every other. This means fixing the rates in relation to every factor that affects the cost of producing coal and getting it to market—differences in size of seam, impurities in the coal, water in the mine, freight rates to market, and so forth. It means adjusting rates for each subdistrict and even for each mine. This is a colossal and impracticable task, but it is the theory underlying the operators' interpretation of the rule and their demands at wage conferences. Miners' representatives have tended to interpret the principle of competitive equality to mean that wage rates and other conditions were to be made sufficiently uniform to place all operators on an equal footing as regards these conditions, thus giving them an equal start in regard to certain fundamental factors, and leaving to the operation of natural advantages and competitive skill, rather than to willingness to cut wages, the determination as to who will make most profits and win.

Mr. Lubin traces these interpretations through the various stages of fixing the wage rates, and describes the wage-rate structure in detail. This, the greater part of his book, is too large a matter to be summarized here. He finds that the principles adopted for adjusting wages have not served the purposes for which they were intended, that the wage-rate structure is unwieldy and wasteful, that mines are kept in existence which have no economic justification, and that the present chaotic condition of the bituminous industry is due in part to the method of fixing wages. As an improvement he suggests eliminating the system of differentials, that is, the system by which wages are adjusted to all sorts of local and varying factors; he enumerates some of the advantages that would come from this. Would not the admission of the United Mine Workers, he also asks, into the non-union battlefields of West Virginia, Alabama, and other places have a steadying influence? Here disturbances and bloodshed are common; here wage cuts and wage increases may be expected with every significant fluctuation of the market. Mr. Lubin does not attempt to answer this question, but says that whether the stability that would come from unionizing the whole industry, with the resulting labor monopoly and the threat that such a monopoly would have of shutting off the country's coal supply completely some time, is worth the price is a matter of personal judgment. He points out further that students of labor refer to the railroad brotherhoods as illustrations of the circumspect use of such a great power. His book is an illuminating analysis of a complex matter, refreshingly free from prejudice. Opponents of the United Mine Workers will find in it much justification for the existence of this misrepresented but desirable body. The book is not easy to read, and, despite the romantic nature of the coal miner's job, its perusal had better not be attempted except by serious students.

WINTHROP D. LANE

In Argentina

La que no perdonó. By Hugo Wast. Buenos Aires: Agencia General de Librería.

THIS most recent work of the Argentine novelist shows a return to the manner of his "Flor de Durazno." It is the portrait of a woman against a background of provincial life. The region Wast depicts is the semi-tropical northeast of the great South American republic, the languid city of Santa Fé and the surrounding country periodically flooded by the Paraná and its tributaries.

Wast has selected the elements and characters which are indigenous to this region and has arranged them into an harmonious and picturesque group. He has attempted to give a cross-section of the entire social structure—the landed aristocracy, which rules with an almost feudal authority; the middle class, still despised in Argentina because it has not yet become an hereditary estate but derives mainly from a generation which has worked upward from the laboring into the professional class or dropped downward from the aristocracy into the small office-holders' class, and the lowest class, that of the native-born.

The figure of Mercedes dominates the story. She is a Doña Perfecta with the bigotry of righteous susceptibility in place of the narrow religious intolerance so carefully analyzed by Galdós. She ruins her life by rigid adherence to her technical rights just as persistently as Anna Karenina ruins hers by repeated yielding to her passion. Like her Spanish sister, Doña Perfecta, her will is inflexible. Once a course of action has been decided upon, nothing can stay its execution; every cycle of thought must be concluded for good or ill. Thus, when she discovers that Hernandarias is faithless to her as a husband, she applies herself so intently to the collection of evidence that the resulting wall isolates her and makes forgiveness impossible. She retires to her estate, where, were she even a trifle less meticulously conscienced, she would yield to her great love for Dr. Monzón. But she is consistent, so consistent that one might be tempted to consider her the exaltation of a principle, did she not finally cry out with anguished heart against her very righteousness and show herself near the clay of everyday humanity in the admission that her daughter's death was the price of her own reconciliation. By contrast she calls to mind Willa Cather's lovable and appealing "Lost Lady." Mercedes is all but a demonstration of how unattractive and unlovely a good woman becomes by the overscrupulous adherence to a moral code.

Wast's style is direct and straightforward and, unlike that of most authors of Latin blood, it is quite free from ornamentation. His books are full of episode and action. He loves tales of adventure. In "La que no perdonó" such scenes as the illicit cock-fight which provides certain elements of Santa Fé with the same sort of excitement as the bootleggers enjoy in this country, Pablito's and Judith's wild chase after the runaway colt, the 'gator hunt, the dance, and the ensuing fight at the *rancho* of Don Bachi where the phonograph replaces the old-time guitar bear out his statement that he would rather write a "Treasure Island" than a "Penguin Island."

ERNEST HERMAN HESPELT

A Musical Chronicle

My Long Life in Music. By Leopold Auer. Frederick A. Stokes Company. $5.

FORTUNATELY, Leopold Auer has been endowed with a fine sense of self-perspective, so that instead of merely glorifying himself in his memoirs he has been able to weld the salient points of his career into a sort of subjective account of the great musical world of Europe and Europe's musicians for the last seventy years. It is a remarkable chronicle, beginning

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with his childhood in Hungary, that country of violinists, where one almost expects each and every little boy to be born with a fiddle in his hand. But though young Auer began his career, as many another has, as a strolling player, he had a wise and ambitious father. And so the money earned by intermittent travel was spent on intermittent study—first at the Conservatory of Budapest, then at Vienna, and finally at Hanover, with Joachim.

Soon the student merges into the virtuoso, and after that, life takes him to the Grand Ducal towns and fashionable spas of Germany, to Paris under the third Napoleon, to London during the season, to Vienna, Constantinople, and, above all, to Russia. Those chapters devoted to Russia are perhaps the most valuable, as they cover practically the whole musical development of that country from 1868, the period when Glinka's opera, "A Life for the Czar," was the only so-called national music and musical activities outside of the theater were confined solely to those of the Imperial Musical Society, through the awakening of a national consciousness by Tchaikovsky and the Neo-Russian School, up to the present day, with its ultra-modern tendencies as exemplified by Stravinsky (with whom the professor is apparently out of sympathy). This development was even more amazing and rapid than our own, for the musical Russia of the sixties was far from being the musical Russia of today. All the operatic and concert life was controlled by the director of the Imperial Theaters of Moscow and St. Petersburg and by the Russian Musical Society. Even the great conservatories of these two towns, directed respectively by Nicholas and Anton Rubinstein, were members of this society. The faculty of the St. Petersburg Conservatory was composed of such notables as Anton Rubinstein and Leschetizky for piano, Henri Wieniawski for violin, and Charles Davidoff for cello; while two graduates from this institution, young Tchaikovsky and, later, Arensky, both taught at the Moscow institute.

> The trend was all in favor of Russian youth . . . which was no more than right, and there was a general desire to depend no longer on artists from abroad. . . . The young artists graduating from the two great institutions with special honors were retained to join their respective faculties, and so no violence was done to the older traditions.

This policy of encouraging the native youth finally culminated in the rebellion of the younger element against the classic principles of Anton Rubinstein, who was director not only of the Petersburg Conservatory but of the Russian Musical Society as well. A new school thus sprang into being, based on principles of nationality, and called by its members the "young Russian School." These members were known as the "Five," and consisted of Balakireff, their founder; Rimsky-Korsakoff, a young officer in the Russian navy; Cui, a professor of military engineering; Borodine, a professor of chemistry; and Moussorgsky, a young officer of the Imperial Guard. These "Five" met at the house of Balakireff, who criticized their works, and taught them harmony, counterpoint, and orchestration. Later they found a patron in one Balaieff, a rich lumber merchant, who founded a Society of Symphony Concerts of which he was the president and sole member. He paid all the expenses involved by this new propaganda for the music of the nationalist composers, and commenced by engaging the orchestra of the Imperial Russian Opera, under the direction of Rimsky-Korsakoff. Their device was "National music and nothing else!" Tchaikovsky was occasionally represented on their programs, but was never identified with them.

Besides this life behind the scenes the professor gives us interesting sidelights on his pupils, Heifetz, Elman, Zimbalist, Seidl, and others. He winds up by praising our own native talent as second to none, and decrying our attitude toward it and the tonal art in general. The book is packed with quotable material, a remarkable feat, considering the fact that his souvenirs and data were left behind in fleeing from Russia. Even so, it is the richest volume of musical experience that has yet come to us.

HENRIETTA STRAUS

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BY DR. WILFRID LAY

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By CHESTER C. PLATT of Madison, Wis.

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International Relations Section

Labor in Greece

By GEORGE SARANTON

THE young republic of Greece has recently been shaken, not by internal political dissension or by her historic enemy the Turk but by the entire mass of her laboring class. To understand this situation it may be well to glance back over the development of the labor movement in this highly unsocialistic and unindustrial commonwealth.

Up to 1909 trade unionism had only begun to penetrate the ranks of the workers in that very considerable modern Greek industry, the merchant marine. Working conditions and hours of service in this field were exceedingly unsatisfactory and they are still so in many cases. But a strike in Piraeus in that year by the crews of the Greek steamers, then inaugurating the principle of collective bargaining, resulted in a veritable state of war with the Department of Police. The strike was lost except that the workers gained the right to decent food on the steam and sailing vessels.

In the political field labor was equally undeveloped. For several years Platon E. Drakoules was the solitary voice in behalf of the working class in the midst of a prevalent spirit of nationalism and militarism. But at last a socialist party was formed and was ably led for some time by a Mr. Sitheres, who was also a Representative in Parliament from a southern Macedonian constituency and very recently the holder of the portfolio of the Department of Agriculture. The party is now affiliated with the Socialist International, but it does not yet enjoy a permanent place in the House of Representatives and its entire membership amounts to about 5,000.

The real hope of Greek labor, however, is the Hellenic Federation of Labor. This organization is modeled after the British system, is affiliated with the Labor International and with the International Labor Conference, and is a union of practically all the railway and merchant marine men. But most of the workers are still unorganized and their conditions are deplorable. This is true of the people engaged in wheat, tobacco, currant, olive, and wine cultivation, as well as in mining. The number of well-built factories is small; it is not uncommon to see spinners, machinists, weavers, and other factory workers, both men and women, working for long hours in dark, gloomy, and ramshackle buildings. The cost of living is desperately high, the rental for an ordinary room in several towns ranging from 20 to 25 drachmas a day. Before the World War a single unskilled laborer could earn from four to five drachmas a day and could eke out an existence even in a town; now the average daily wage runs from 40 to 50 drachmas, but the prices of the necessities are much higher in proportion. The only two classes of wage-earners which have fared slightly better are the office employees and the domestic servants. The condition of the agricultural workers in Thessaly has been particularly pitiable. Women are not as yet admitted to the ranks of the trade unions, while their minimum number of hours of work is usually ten.

A serious labor crisis occurred in August, 1923. A general strike, well-nigh universal, began on the 18th and lasted for ten days; the Revolutionary Government under the leadership of Colonel Plasteras proclaimed martial law, declared the labor unions illegal, and succeeded in suppressing the strike by force. All the union offices were seized, their furniture and archives were removed, and their bank deposits confiscated; the leaders in the strike were all arrested and a special court martial was convened to try them. With the return of normalcy, however, the *status quo ante* of organized labor was restored, and the situation continued to lie in abeyance until May 1, 1924.

A few days before the beginning of May of this year a request for permission to hold a labor parade was refused. Immediately the workers of Athens and Piraeus were aroused and they held a mass meeting on the 1st. A detachment of troops which attempted to disperse them was met with violent resistance, as was the fire department when it sought to give a helping hand to the soldiers. The result was a panic, in the course of which numerous semi-fatal injuries occurred, followed by the arrest and imprisonment of about 250 persons. Government departments proceeded to investigate in order to discover and try the leaders, who, the Government asserted, were the authors of such ominous signs as "Down with the Militaristic Republic" and "The day is not distant when we will crush the bourgeoisie and found a republic, including not only Greece but the entire Balkan Peninsula." The Greek Federation of Labor threatened to call a general strike unless the arrested comrades were set free at once. It was said that the leaders of the affair were encouraged in their attitude by the simultaneous resumption of diplomatic relations between Greece and Russia as well as by "foreign propagandists roaming the streets of the classical city."

At all events, a strike was proclaimed throughout the country, the labor men blaming the Government for the clash of May 1 and for not releasing their colleagues. On the same day, however, a strike had been already ordered by the Society of Tramway Employees of Athens and Piraeus. Soon the movement assumed serious proportions; sympathetic strikes were ordered from north to south and by the end of the month, despite the weakening opposition of the forces of the state and especially of the Prime Minister, A. Papanastassiou himself, it spread as far as Macedonia with its numerous tobacco workers. Seamen and dockers caused steamers to be tied up for days in the harbor of Piraeus; then the bakery workers joined; even the boatmen called a strike of sympathy. Both camps were as obstinate as Greeks can be.

By a strange coincidence, it was at this period that Athens was welcoming the first Russian Soviet official in the person of Mr. Ustinov. Conferences were being held between the members of the Cabinet, the affected companies, and the union chiefs. The General Federation of Labor through its executive secretary, Mr. Evangelou, accused the ship-owners of trying to force the authorities to take possession of the vessels and so place the labor unions in direct opposition to the republic. Piraeus was on the eve of martial law with companies of soldiers and sailors patrolling its streets. Seamen, tobacco workers, bakery employees, cigarette-makers, all clamored for shorter hours and more pay; the ship strike became general, the Seamen's and Masters' Union being one of the strongest to join. On June 11 the brotherhood of the employees of the Peloponnesian railroad and those of the Hellenic joined the striking groups. Various mills in Piraeus and in other cities were also closed.

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At last an agreement was reached on June 14 and the strike was brought to a close with a few gains for the proletariat. One of these was the promise of the Democratic Union, the party in power, that they would introduce the eight-hour day without any exceptions aside from those imposed in seasonal occupations. This they actually did by a bill which became law on July 2. The daily newspaper of the Communists, however, *Rizospastes* (the *Radical*), has not fared so well; its publishers and editors were brought to trial on the charge of inciting the populace toward the "overthrow of the republic." But the Government has released the imprisoned laborites and has begun to execute the long-promised sequestration of the uncultivated *tchifliks* and other fallow lands in Thessaly and some parts of Macedonia and has turned them over to tenant farmers. This last measure was first proposed by the Venizelists in 1910, but, owing to the intervening vicissitudes, it had become a dead letter until recently. The spirit of the press is shown in the following extract from a signed editorial article on the first page of the leading Athenian daily, the *Eleftheros Logos;* the writer, after referring to the undoubted influence of revolutionary Communists, Greek or foreign, in the whole imbroglio, goes on to say:

> Nevertheless, the responsibility of the Government in the current labor crisis is great; particularly that of the chairman of the Council of Ministers, who really begs the question in trying to shift the whole burden to the Communists. Before their assumption of power and even after, the directors of the Democratic Union did not miss the slightest opportunity for claiming a monopoly of friendliness to labor and of socialistic and democratic ideas in general. We are not blaming them for this fact; indeed, we wish their intentions were sincere. . . . Unfortunately, demagogy was the essence of it all. The final outcome of the strike was the resignation of "Thunderbolt" Kondylles, Minister of War, lieutenant general, and the Prime Minister's right-hand man in all the recent events, who turned against his chief with the accusation that he had shown an excessive submissiveness to the demands of the labor unions.

The Conference: An Analysis

NEWSPAPER accounts of the compromise solutions reached at the London Conference, written from day to day, have necessarily been so confusing that we reprint the following clear summary of the course of the conference up to the arrival of the German delegates, prepared for the *Bulletin* of the Foreign Policy Association by James G. McDonald:

The United States emerges from the conference to find its citizens designated to act as chairmen of most of the vital arbitral commissions. Under the guise of unofficialism, now worn transparently thin, our Government is pledged to play a decisive role in administering the receivership of Germany and indirectly the economic rehabilitation of Europe as a whole.

Of all the questions which divided the Allies, none was more difficult than that of German default. Herriot came to the conference committed to the maintenance of the French claim that, as in the case of the Ruhr, she had the right in the future to impose sanctions on Germany without the assent or cooperation of Britain. MacDonald was just as unqualifiedly committed to the non-acceptance of this claim. But both premiers were determined to secure agreement on this as on the other major issues. From the more than two weeks of intense study and conference emerged an ingenious and apparently workable compromise. Nominally the Reparation Commission, which has hitherto been controlled by France, retains its right to declare Germany in default. But when the Reparation Commission is voting on the question of default an American citizen, named by the commission itself if it can agree unanimously, or, failing that, by the president of the Permanent Court of International Justice, "shall take part in the discussions and shall vote."

Any member of the Reparation Commission "may within eight days from the date of [a given] decision appeal from that decision to the Arbitral Commission composed of three impartial and independent persons whose decision shall be final. The members of the Arbitral Commission shall be appointed for five years by the Reparation Commission, deciding by unanimity, or, failing such unanimity, by the president of the Permanent Court." The president of the Arbitral Commission shall be a United States citizen.

Moreover, the Allied governments pledge themselves "not to take sanctions in regard to Germany unless a default" has been declared under the conditions laid down. Even in such case the governments will act with "the consciousness of joint trusteeship for the financial interest of themselves and of the persons who advanced money" through the loan to Germany. More specifically, the Allies promise "that in case sanctions have to be applied in consequence of the default by Germany, they will safeguard any specific securities which may be pledged to the service of the loan." They also recognize that the interest and sinking-fund charges of the loan are "entitled to absolute priority in relation to any resources of Germany on which a general lien may have been given to the loan, as well as in relation to any resources that may arise as a result of a plan of sanctions."

In one respect the Allied agreement involves a definite going beyond the terms of the Treaty of Versailles which limited Germany's obligations to make reparations in kind to the ten years, 1920 to 1930. France, fearful that on the expiration of this period she may not be able to secure essential coal, and more particularly coke, from Germany, insisted on guaranties. Others of the Allies were just as anxious that reparations in kind should not be used as an excuse for stifling German industry. The compromise agreed upon seems to be fair to both Germany and France. The Transfer Committee, which under the Dawes Plan is the custodian of all payments made by Germany on the reparation account, and which controls the transfer of funds to the Allies, is to be authorized "to employ the funds at its disposal in payment for deliveries on ordinary commercial conditions of any commodities and (or) services provided for in programs from time to time prescribed by the Reparation Commission after consultation with the Transfer Committee." The German Government is asked to accept "the establishment of a special committee not exceeding six members and consisting of an equal number of Allied and German representatives" to carry out these transfers. Differences of opinion betweeen the Allied and German members of the committee are to be settled by arbitration. This same principle is also applied to possible disagreements which may arise between the Transfer Committee and the German Government in reference to other phases of the problem of reparations in kind. The arbiter in this case is to be of neutral nationality, if the German Government so desires, and to be chosen "by agreement between the two parties" or, failing such agreement, by the president of the Permanent Court.

The French urged that procedure be provided to remedy defects which may later develop in the working of the Dawes Plan. The Allies therefore agreed on the following procedure: "Any government complaining of such defect may submit the question to the Reparation Commission which will transmit it forthwith for inquiry and advice to a committee consisting of the agent general for reparation payments, the trustee or trustees for railway and industrial mortgage bonds, the rail-

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way commissioner, and the commissioner of controlled revenues."

This committee shall report to the Reparation Commission which, for the purpose of considering such report, shall convoke the American member who shall have the right to vote. "If the Reparation Commission arrives at a unanimous decision, it shall invite the German Government to adhere to it, and if an agreement is reached with the German Government on the subject the necessary measures shall be carried into effect without delay. If the Reparation Commission is not unanimous, or if any decision it takes unanimously is not accepted by the German Government, any of the parties interested may submit the question to a committee of three independent and impartial experts, chosen by agreement between the Reparation Commission, deciding unanimously, and the German Government, or, in default of such agreement, by the president of the Permanent Court."

It is, however, provided that this method of changing the Dawes Report "shall not apply to any question in regard to the disposition of funds paid to the account of the Agent General or any other matter which falls solely within the competence of the Transfer Committee."

If the Transfer Committee is equally divided on the question whether there have been German maneuvers to checkmate cash transfers, the question shall be referred to an independent and impartial arbiter to be selected by the Transfer Committee itself, if unanimous, or failing unanimity, by the president of the Permanent Court. If, however, "the funds at the disposal of the Agent General for Reparation Payments are at any time accumulated in Germany up to the limit of five billion gold marks . . . and the committee has by a majority decided that the concerted financial maneuvers (referred to) have not taken place . . . any member of the minority of the committee may within eight days appeal against such decision to an arbitral tribunal whose decision on the matter before them shall be final. The arbitral tribunal shall consist of three independent and impartial financial experts including a citizen of the United States of America, who shall act as chairman."

Bossing the Far East

THE opposition of Mr. Hughes to the recent Chinese-Russian treaty is discussed in the following statement by L. M. Karakhan—who negotiated the agreement with V. K. Wellington Koo—given out at Peking through the Rosta News Agency:

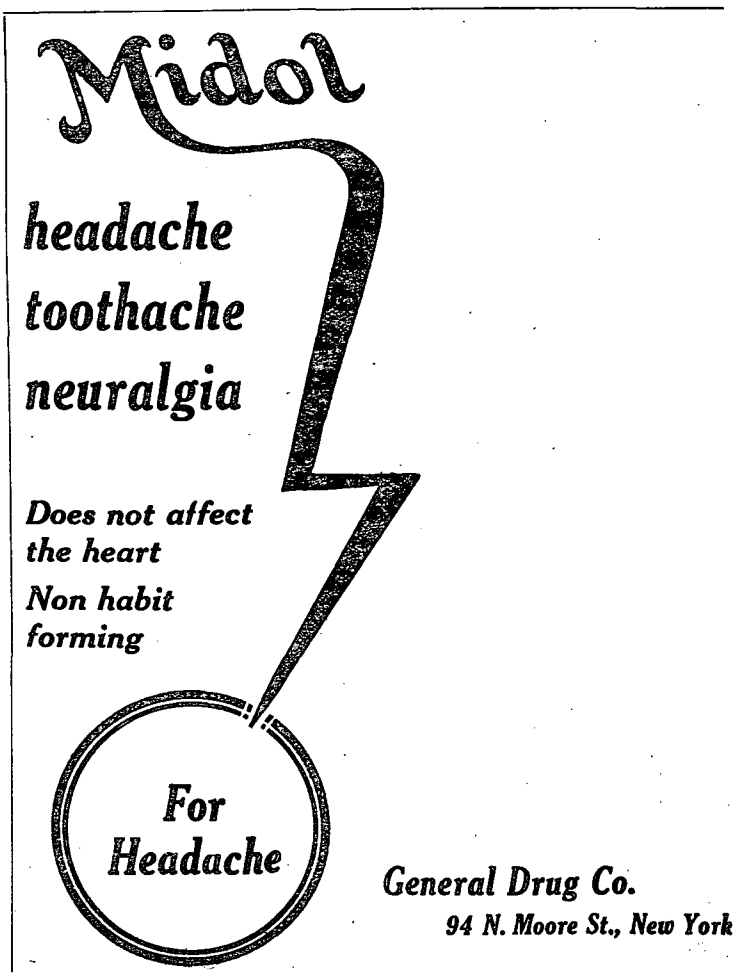
Mr. Hughes has evidently decided to punish China, so he is now against a preliminary customs tariff conference, he advises France not to ratify the Washington agreements, and, lastly, he proposes to revise the entire Chinese policy of the United States. And, as all things evil proceed from the Bolshevists, Mr. Hughes wishes by one and the same stroke to chastise the Soviet Government; because of the evil influence it has on China he has decided not to recognize it.

However, the Soviet Government views quite calmly the present policy of Mr. Hughes, well knowing that there is not a single honest and reasonable American who understands the interests of his or her country who supports the shortsighted Russian policy of the present chief of the State Department. Numerous are the governments which the Soviet Government has already outlived, and it will certainly without injury to itself outlive the present rulers of America.

What is of more interest is the attitude Washington assumes toward China. Though I have not seen the Chinese note to the American Government relative to the Chinese Eastern Railway, I imagine it was couched in Mr. Koo's usual courteous and refined style, and I seriously doubt whether there could be any ground for a charge of audaciousness. Possibly, the State Department saw audaciousness in the fact that China refused to recognize the right of America—and, for that matter, of Japan and France—to interfere in the affairs of the Chinese Eastern Railway. It should be recalled, however, that this audacious proposition is based on the treaties between China and Czarist Russia and was supported, too, by the agreement, signed on May 31, 1924.

Indeed, no countries but China and the Union of Soviet Socialist Republics have anything to do with the Chinese Eastern Railway, and all the other Powers must know that we will not allow them to interfere with our business. I don't care even to know to what extent their charges are based on the Washington resolutions. The latter are non-existent in our eyes—for that matter, they evidently do not exist even for the Powers which signed them. At any rate, as far as China is concerned, things went no further than promises and blackmail, nor does anyone seem to have any intention of carrying out those decisions. Now Washington—which gave birth to the resolutions—goes the length of recommending that France refuse to recognize the child it itself gave birth to. There is no doubt that Paris will hear this with a sigh of relief, as France has for a long time looked upon the result of the Washington conference as an illegitimate child.

It is not, naturally, a question of bolshevist influence on the Chinese Government. It is foolish, indeed, to try and explain by the influence of the Soviet Government any step of the Chinese Government which is not to other people's liking. The Chinese people is very well able itself to see what benefits and what harms it, who are its enemies and who its friends, when its honor and national dignity are violated and when its rights are respected in deeds, not in words. No alien influences are needed for this. The work of imperialist agents in China, who have a complete disregard for the Chinese people, is itself the best school the people can go to for a right understanding of their interests.



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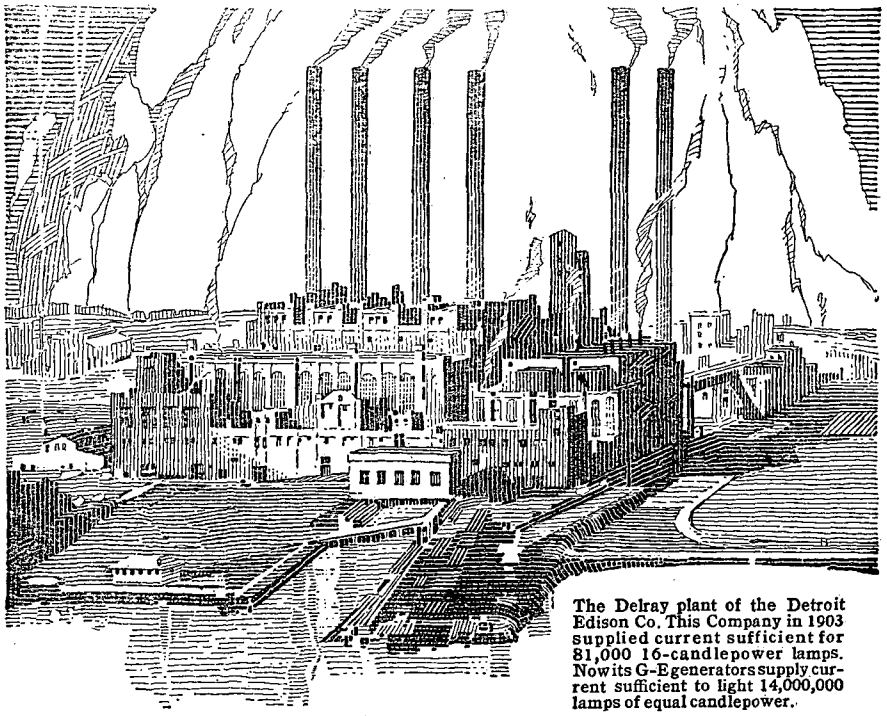

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